

It is the sense of Congress that Congress is in agreement with the opinion of virtually

the entire worldwide scientific community and a growing number of top national security experts, economists, and others that—

- (1) climate change is real;
- (2) climate change is caused by human activities;
- (3) climate change has already caused devastating problems in the United States and around the world;
- (4) the Energy Information Administration projects that fossil fuels will continue to produce 68 percent of the electricity in the United States through 2040; and
- (5) it is imperative that the United States invest in research and development for clean fossil fuel technology.

**SA 100.** Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE II—PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2015**

**SEC. 201. SHORT TITLE.**

This title may be cited as the “Private Property Rights Protection Act of 2015”.

**SEC. 202. DEFINITIONS.**

In this title the following definitions apply:

- (1) **ECONOMIC DEVELOPMENT.**—
- (A) **IN GENERAL.**—The term “economic development”—
  - (i) means taking private property, without the consent of the owner, and conveying or leasing such property from one private person or entity to another private person or entity for commercial enterprise carried on for profit, or to increase tax revenue, tax base, employment, or general economic health; and
  - (ii) does not include—
    - (I) conveying private property—
      - (aa) to public ownership, such as for a road, hospital, airport, or military base;
      - (bb) to an entity, such as a common carrier, that makes the property available to the general public as of right, such as a railroad or public facility;
      - (cc) for use as a road or other right of way or means, open to the public for transportation, whether free or by toll; or
      - (dd) for use as an aqueduct, flood control facility, pipeline, or similar use;
    - (II) removing blighted property;
    - (III) leasing property to a private person or entity that occupies an incidental part of public property or a public facility, such as a retail establishment on the ground floor of a public building;
    - (IV) acquiring abandoned property;
    - (V) clearing defective chains of title;
    - (VI) taking private property for use by a utility, including a utility providing electric, natural gas, telecommunications, water and wastewater services, either directly to the public or indirectly through provision of such services at the wholesale level for resale to the public; or
    - (VII) redeveloping of a brownfield site, as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).
- (B) **BLIGHTED PROPERTY.**—In subparagraph (A)(ii)(II), the term “blighted property” means a structure—
  - (i) that was inspected by the appropriate local government and cited for one or more

enforceable housing, maintenance, or building code violations that—

- (I) affect the safety of the occupants or the public; and
- (II) involve one or more of the following:
  - (aa) a roof or roof framing element;
  - (bb) support walls, beams, or headers;
  - (cc) foundation, footings, or subgrade conditions;
  - (dd) light or ventilation;
  - (ee) fire protection, including egress;
  - (ff) internal utilities, including electricity, gas, and water;
  - (gg) flooring or flooring elements; or
  - (hh) walls, insulation, or exterior envelope;
- (ii) in which the cited housing, maintenance, or building code violations have not been remedied within a reasonable time after 2 notices to cure the noncompliance; and
- (iii) that the satisfaction of those enforceable, cited and uncured housing, maintenance, and building code violations cost more than 50 percent of the assessor’s taxable market value for the building, excluding land value, for property taxes payable in the year in which the condemnation is commenced.

(C) **ABANDONED PROPERTY.**—In subparagraph (A)(ii)(IV), the term “abandoned property” means property—

- (i) that has been substantially unoccupied or unused for any commercial or residential purpose for at least 1 year by a person with a legal or equitable right to occupy the property;
- (ii) that has not been maintained; and
- (iii) for which property taxes have not been paid for at least 2 years.

(2) **FEDERAL ECONOMIC DEVELOPMENT FUNDS.**—The term “Federal economic development funds” means any Federal funds distributed to or through States or political subdivisions of States under Federal laws designed to improve or increase the size of the economies of States or political subdivisions of States.

(3) **STATE.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

**SEC. 203. PROHIBITION ON EMINENT DOMAIN ABUSE BY FOREIGN CORPORATIONS.**

(a) **IN GENERAL.**—No State or political subdivision of a State shall delegate its power of eminent domain to a foreign corporation over property—

- (1) that is—
  - (A) to be used for economic development; or
  - (B) used for economic development within 7 years after that exercise; and
- (2) if that State or political subdivision receives Federal economic development funds during any fiscal year in which the property is so used or intended to be used.

(b) **INELIGIBILITY FOR FEDERAL FUNDS.**—

(1) **IN GENERAL.**—Except as provided in subsection (c), a violation of subsection (a) by a State or political subdivision of a State shall render such State or political subdivision ineligible for any Federal economic development funds for a period of 2 fiscal years following a final judgment on the merits by a court of competent jurisdiction that such subsection has been violated.

(2) **AGENCY REQUIREMENTS.**—An agency charged with distributing Federal economic development funds to a State or political subdivision of a State that violates subsection (a) shall withhold such funds for such 2-year period and any such funds distributed to such State or political subdivision shall be returned or reimbursed by such State or political subdivision to the appropriate agency or authority of the Federal Government, or component thereof.

(c) **OPPORTUNITY TO CURE VIOLATION.**—A State or political subdivision shall not be ineligible for Federal economic development funds under subsection (b) if such State or political subdivision—

- (1) returns all real property the taking of which was found by a court of competent jurisdiction to have constituted a violation of subsection (a);
- (2) replaces any other property destroyed and repairs any other property damaged as a result of such violation; and
- (3) pays applicable penalties and interest.

**SEC. 204. PROHIBITION ON EMINENT DOMAIN ABUSE BY STATES.**

No State or political subdivision of a State shall exercise its power of eminent domain, or allow the exercise of such power by any person or entity to which such power has been delegated, over property—

- (1) that is—
  - (A) to be used for economic development; or
  - (B) used for economic development within 7 years after that exercise; and
- (2) if that State or political subdivision receives Federal economic development funds during any fiscal year in which the property is so used or intended to be used.

**SEC. 205. PROHIBITION ON EMINENT DOMAIN ABUSE BY THE FEDERAL GOVERNMENT.**

The Federal Government, including any authority of the Federal Government, shall not exercise its power of eminent domain over property that is to be used for economic development.

**SEC. 206. RELIGIOUS AND NONPROFIT ORGANIZATIONS.**

(a) **PROHIBITION ON STATES.**—No State or political subdivision of a State shall exercise its power of eminent domain, or allow the exercise of such power by any person or entity to which such power has been delegated, over property of a religious or other nonprofit organization by reason of the nonprofit or tax-exempt status of such organization, or any quality related thereto, if that State or political subdivision receives Federal economic development funds during any fiscal year in which it does so.

(b) **INELIGIBILITY FOR FEDERAL FUNDS.**—

(1) **IN GENERAL.**—A violation of subsection (a) by a State or political subdivision of a State shall render such State or political subdivision ineligible for any Federal economic development funds for a period of 2 fiscal years following a final judgment on the merits by a court of competent jurisdiction that such subsection has been violated.

(2) **AGENCY REQUIREMENTS.**—An agency charged with distributing Federal economic development funds to a State or political subdivision of a State that violates subsection (a) shall withhold such funds for such 2-year period and any such funds distributed to such State or political subdivision shall be returned or reimbursed by such State or political subdivision to the appropriate agency or authority of the Federal Government, or component thereof.

(c) **PROHIBITION ON FEDERAL GOVERNMENT.**—The Federal Government or any authority of the Federal Government shall not exercise its power of eminent domain over property of a religious or other nonprofit organization by reason of the nonprofit or tax-exempt status of such organization, or any quality related thereto.

**SEC. 207. PRIVATE RIGHT OF ACTION.**

(a) **CAUSE OF ACTION.**—

(1) **IN GENERAL.**—An owner of private property whose property is subject to eminent domain who suffers injury as a result of a violation of any provision of this title with respect to that property, or tenant of property that is subject to eminent domain who

suffers injury as a result of a violation of any provision of this title with respect to that property, may bring a civil action to enforce any provision of this title in the appropriate Federal or State court, which may include seeking appropriate relief through a preliminary injunction or a temporary restraining order.

(2) **NO IMMUNITY.**—A State shall not be immune under the 11th Amendment to the Constitution of the United States from a civil action brought under paragraph (1) in a Federal or State court of competent jurisdiction.

(3) **BURDEN OF PROOF.**—In a civil action brought under paragraph (1), the defendant has the burden to show by clear and convincing evidence that the taking is not for economic development.

(b) **LIMITATION ON BRINGING ACTION.**—A civil action brought by a property owner or tenant under this section may be brought if the property is used for economic development following the conclusion of any condemnation proceedings condemning the property of such property owner or tenant, but shall not be brought later than 7 years following the conclusion of any such proceedings.

(c) **ATTORNEYS' FEE AND OTHER COSTS.**—In any action or proceeding under this section, the court shall award a prevailing plaintiff costs, including reasonable attorneys' fees and expert fees.

#### **SEC. 208. REPORTING OF VIOLATIONS TO ATTORNEY GENERAL.**

(a) **SUBMISSION OF REPORT TO ATTORNEY GENERAL.**—An owner of private property whose property is subject to eminent domain who suffers injury as a result of a violation of any provision of this title with respect to that property, or tenant of property that is subject to eminent domain who suffers injury as a result of a violation of any provision of this title with respect to that property, may report the violation to the Attorney General.

(b) **INVESTIGATION BY ATTORNEY GENERAL.**—Upon receiving a report of an alleged violation of a provision of this title, the Attorney General shall conduct an investigation to determine whether a violation exists.

(c) **NOTIFICATION OF VIOLATION.**—If the Attorney General concludes that a violation of this title does exist, the Attorney General shall notify the applicable authority of the Federal Government, State, or political subdivision of a State that—

(1) the Attorney General has determined there is a violation of this title;

(2) the authority of the Federal Government, State, or political subdivision of a State has 90 days from the date of the notification to demonstrate to the Attorney General that—

(A) it is not in violation of this title; or

(B) it has cured the violation by returning all real property the taking of which the Attorney General finds to have constituted a violation of this title and replacing any other property destroyed and repairing any other property damaged as a result of such violation.

(d) **ATTORNEY GENERAL'S BRINGING OF ACTION TO ENFORCE ACT.**—

(1) **IN GENERAL.**—If, at the end of the 90-day period described in subsection (c), the Attorney General determines that the applicable authority of the Federal Government, State, or political subdivision of a State is still in violation of this title or has not cured its violation as described in subsection (c)(2)(B), the Attorney General shall bring a civil action in an appropriate Federal or State court to enforce this title, which may include seeking appropriate relief through a preliminary injunction or a temporary restraining order, unless the property owner or tenant

who reported the violation has already brought a civil action to enforce this title.

(2) **INTERVENTION.**—If a property owner or tenant has brought a civil action as described in paragraph (1), the Attorney General shall seek to intervene if the Attorney General determines that intervention is necessary in order to enforce this title.

(3) **NO IMMUNITY.**—A State shall not be immune under the 11th Amendment to the Constitution of the United States from a civil action brought under paragraph (1) in a Federal or State court of competent jurisdiction.

(4) **BURDEN OF PROOF.**—In a civil action brought under paragraph (1), the defendant has the burden to show by clear and convincing evidence that the taking is not for economic development.

(e) **LIMITATION ON BRINGING ACTION.**—An action brought by the Attorney General under this section may be brought if the property is used for economic development following the conclusion of any condemnation proceedings condemning the property of an owner or tenant who reports a violation of this title to the Attorney General, but shall not be brought later than 7 years following the conclusion of any such proceedings.

(f) **ATTORNEYS' FEE AND OTHER COSTS.**—In any action or proceeding under this section, if the Attorney General is a prevailing plaintiff, the court shall award the Attorney General costs, including reasonable attorneys' fees and expert fees.

#### **SEC. 209. NOTIFICATION BY ATTORNEY GENERAL.**

(a) **NOTIFICATION TO STATES AND POLITICAL SUBDIVISIONS.**—

(1) **STATUTE.**—Not later than 30 days after the date of enactment of this Act, the Attorney General shall provide to the chief executive officer of each State the text of this title and a description of the rights of property owners and tenants under this title.

(2) **ECONOMIC DEVELOPMENT FUNDS.**—

(A) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act, and every year thereafter, the Attorney General shall compile a list of the Federal laws under which Federal economic development funds are distributed.

(B) **NOTIFICATION.**—The Attorney General shall—

(i) provide each list compiled under subparagraph (A) to—

(I) the chief executive officer of each State; and

(II) the authorities in each State and political subdivisions of each State empowered to take private property and convert it to public use subject to just compensation for the taking; and

(ii) make each such list available on the Internet website maintained by the Department of Justice for use by the public.

(b) **NOTIFICATION TO PROPERTY OWNERS AND TENANTS.**—Not later than 30 days after the date of enactment of this Act, the Attorney General shall publish in the Federal Register and make available on the Internet website maintained by the Department of Justice a notice containing the text of this title and a description of the rights of property owners and tenants under this title.

#### **SEC. 210. REPORTS.**

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Attorney General shall submit to the Chairman and Ranking Member of the Committee on the Judiciary of the Senate and the Chairman and Ranking Member of the Committee on the Judiciary of the House of Representatives a report identifying States and political subdivisions of States that have used eminent domain in violation of this title, which shall—

(1) identify each private civil action brought as a result of a State's or political subdivision's violation of this title;

(2) identify all violations reported by property owners and tenants under section 208(a);

(3) identify the percentage of minority residents compared to the surrounding non-minority residents and the median incomes of those impacted by a violation of this title;

(4) identify each civil action brought by the Attorney General under section 208(d);

(5) identify all States or political subdivisions that have lost Federal economic development funds as a result of a violation of this title, and describe the type and amount of Federal economic development funds lost in each State or political subdivision and the agency that is responsible for withholding such funds; and

(6) discuss all instances in which a State or political subdivision has cured a violation as described in section 203(c) or section 208(c)(2)(B).

(b) **DUTY OF STATES.**—Each State or political subdivision of a State that is a defendant in a private civil action brought under this title shall have the duty to report to the Attorney General such information with respect to such State and local authorities as the Attorney General needs to make the report required under subsection (a).

(c) **REPORT BY FEDERAL AGENCIES ON REGULATIONS AND PROCEDURES RELATING TO EMINENT DOMAIN.**—Not later than 180 days after the date of enactment of this Act, the head of each agency shall review all rules, regulations, and procedures of the agency and submit to the Attorney General a report on the activities of that agency to bring its rules, regulations, and procedures into compliance with this title.

#### **SEC. 211. SENSE OF CONGRESS REGARDING RURAL AMERICA.**

(a) **FINDINGS.**—Congress finds the following:

(1) The founders realized the fundamental importance of property rights when they codified the Takings Clause of the Fifth Amendment to the Constitution of the United States, which requires that private property shall not be taken "for public use, without just compensation".

(2) Rural lands are unique in that they are not traditionally considered high tax revenue-generating properties for State and local governments. In addition, farmland and forest land owners need to have long-term certainty regarding their property rights in order to make the investment decisions to commit land to these uses.

(3) Ownership rights in rural land are fundamental building blocks for our Nation's agriculture industry, which continues to be one of the most important economic sectors of our economy.

(4) In the wake of the Supreme Court's decision in *Kelo v. City of New London*, abuse of eminent domain is a threat to the property rights of all private property owners, including rural land owners.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that:

(1) The use of eminent domain for the purpose of economic development is a threat to agricultural and other property in rural America and that Congress should protect the property rights of the people of the United States, including those who reside in rural areas.

(2) Property rights are central to liberty in this country and to its economy.

(3) The use of eminent domain to take farmland and other rural property for economic development threatens liberty, rural economies, and the economy of the United States.

(4) The taking of farmland and rural property will have a direct impact on existing irrigation and reclamation projects.

(5) The use of eminent domain to take rural private property for private commercial uses will force increasing numbers of activities from private property onto this Nation's public lands, including its National forests, National parks, and wildlife refuges, which can overburden the infrastructure of these lands, reducing the enjoyment of such lands by the people of the United States.

(6) The people of the United States should not have to fear the taking of their homes, farms, or businesses by the government to give to other persons.

(7) Governments should not abuse the power of eminent domain to force rural property owners from their land in order to develop rural land into industrial and commercial property.

(8) Congress has a duty to protect the property rights of rural Americans in the face of eminent domain abuse.

#### SEC. 212. SENSE OF CONGRESS.

It is the policy of the United States to encourage, support, and promote the private ownership of property and to ensure that the constitutional and other legal rights of private property owners are protected by the Federal Government.

#### SEC. 213. BROAD CONSTRUCTION.

This title shall be construed in favor of a broad protection of private property rights, to the maximum extent permitted by the terms of this title and the Constitution.

#### SEC. 214. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this title may be construed to supersede, limit, or otherwise affect any provision of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

#### SEC. 215. SENSE OF CONGRESS.

It is the sense of Congress that any and all precautions shall be taken by the Federal Government, States, and political subdivisions of States to avoid the unfair or unreasonable taking of property away from survivors of Hurricane Katrina who own, were bequeathed, or assigned such property, for economic development purposes or for the private use of others.

#### SEC. 216. DISPROPORTIONATE IMPACT ON MINORITIES.

If a court determines that a violation of this title has occurred, and that the violation has a disproportionately high impact on the poor or minorities, the Attorney General shall use reasonable efforts to locate and inform former owners and tenants of the violation and any remedies they may have.

#### SEC. 217. SEVERABILITY AND EFFECTIVE DATE.

(a) SEVERABILITY.—If any provision of this title, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this title, or the application of such provision to other persons or circumstances, shall not be affected.

(b) EFFECTIVE DATE.—This title—

(1) shall take effect upon the first day of the first fiscal year that begins after the date of enactment of this Act; and

(2) shall not apply to any project for which condemnation proceedings have been initiated before the date of enactment of this Act.

**SA 101.** Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to

the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . WEATHERIZATION ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS.

Section 415 of the Energy Conservation and Production Act (42 U.S.C. 6865) is amended by adding at the end the following:

“(f) ADMINISTRATION.—

“(1) IN GENERAL.—A State shall use up to 8 percent of any grant made by the Secretary under this part to track applicants for and recipients of weatherization assistance under this part to determine the impact of the assistance and eliminate or reduce reliance on the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), over a period of not more than 3 years.

“(2) USE OF SAVINGS.—Notwithstanding any other provision of law, of any savings obtained by the Secretary of Health and Human Services due to eliminated or reduced reliance on the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) as a result of the weatherization assistance provided under this part, as determined under paragraph (1)—

“(A) 50 percent shall be transferred to the Secretary to provide assistance to States under this part; and

“(B) 50 percent shall be deposited into the general fund of the Treasury for purposes of reducing the annual Federal budget deficit.

“(3) ANNUAL STATE PLANS.—A State may submit to the Secretary for approval within 90 days an annual plan for the administration of assistance under this part in the State that includes, at the option of the State—

“(A) local income eligibility standards for the assistance that are not based on the formula that are used to allocate assistance under this part; and

“(B) the establishment of revolving loan funds for multifamily affordable housing units.”.

**SA 102.** Mr. TILLIS (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE \_\_\_\_—ATLANTIC OCS ACCESS AND REVENUE SHARE ACT OF 2015

#### SEC. .01. SHORT TITLE.

This title may be cited as the “Atlantic OCS Access and Revenue Share Act of 2015”.

#### SEC. .02. DEFINITIONS.

In this title:

(1) MID-ATLANTIC PRODUCING STATE.—The term “Mid-Atlantic Producing State” means each of the States of—

- (A) Delaware;
- (B) Maryland;
- (C) North Carolina; and
- (D) Virginia.

(2) MID-ATLANTIC PLANNING AREA.—The term “Mid-Atlantic Planning Area” means the Mid-Atlantic Planning Area of the outer Continental Shelf designated in the document entitled “Final Outer Continental Shelf Oil and Gas Leasing Program 2012–17” and dated June 2012.

(3) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

(A) IN GENERAL.—The term “qualified outer Continental Shelf revenues” means all rent-

als, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act.

(B) EXCLUSIONS.—The term “qualified outer Continental Shelf revenues” does not include—

(i) revenues from the forfeiture of a bond or other surety securing obligations other than royalties, civil penalties, or royalties taken by the Secretary in-kind and not sold; or

(ii) revenues generated from leases subject to section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) SOUTH ATLANTIC PRODUCING STATE.—The term “South Atlantic Producing State” means each of the States of—

- (A) Florida;
- (B) Georgia; and
- (C) South Carolina.

(6) SOUTH ATLANTIC PLANNING AREA.—The term “South Atlantic Planning Area” means the South Atlantic Planning Area of the outer Continental Shelf designated in the document entitled “Final Outer Continental Shelf Oil and Gas Leasing Program 2012–17” and dated June 2012.

#### SEC. .03. OFFSHORE OIL AND GAS LEASING IN MID-ATLANTIC AND SOUTH ATLANTIC PLANNING AREAS.

(a) IN GENERAL.—The Secretary shall—

(1) not later than July 15, 2016, publish and submit to Congress a new proposed oil and gas leasing program prepared under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) for the 5-year period beginning on July 15, 2017 and ending July 15, 2022; and

(2) not later than July 15, 2017, approve a final oil and gas leasing program under that section for that period.

(b) INCLUSION OF MID-ATLANTIC AND SOUTH ATLANTIC PLANNING AREAS.—The Secretary shall include in the program described in subsection (a) annual lease sales in both the Mid-Atlantic Planning Area and the South Atlantic Planning Area.

(c) PROHIBITION ON LEASING CERTAIN AREAS.—

(1) PETITION.—Notwithstanding subsections (a) and (b), the leasing of areas within the administrative boundaries of a Mid-Atlantic Producing State or South Atlantic Producing State that are 30 miles or less off the coast of the State shall be prohibited.

#### SEC. .04. DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM MID-ATLANTIC LEASING ACTIVITIES.

(a) IN GENERAL.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) and subject to this section, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

(1) 50 percent of qualified outer Continental Shelf revenues generated from leasing activities in the Mid-Atlantic Planning Area in the general fund of the Treasury; and

(2) 50 percent of qualified outer Continental Shelf revenues generated from leasing activities in the Mid-Atlantic Planning Area in a special account in the Treasury from which the Secretary shall disburse—

(A) 75 percent to Mid-Atlantic Producing States in accordance with subsection (b); and

(B) 25 percent to provide financial assistance to States in accordance with section 200305 of title 54, United States Code, which shall be considered income to the Land and Water Conservation Fund for purposes of section 200302 of that title.

(b) ALLOCATION AMONG MID-ATLANTIC PRODUCING STATES.—

(1) IN GENERAL.—Subject to paragraph (2), the amount made available under subsection

(a)(2)(A) from any lease entered into within the Mid-Atlantic Planning Area shall be allocated to each Mid-Atlantic producing State in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each Mid-Atlantic producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract.

(2) MINIMUM ALLOCATION.—The amount allocated to a Mid-Atlantic Producing State each fiscal year under paragraph (1) shall be at least 10 percent of the amounts available under subsection (a)(2)(A).

(c) TIMING.—The amounts required to be deposited under subsection (a)(2) for the applicable fiscal year shall be made available in accordance with that paragraph during the fiscal year immediately following the applicable fiscal year.

(d) ADMINISTRATION.—Amounts made available under subsection (a)(2) shall—

(1) be made available, without further appropriation, in accordance with this section;

(2) remain available until expended; and

(3) be in addition to any amounts appropriated under—

(A) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(B) chapter 2003 of title 54, United States Code; or

(C) any other provision of law.

(e) DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES SHALL BE NET OF RECEIPTS.—For each of fiscal years 2017 through 2055, expenditures under subsection (a)(2) and shall be net of receipts from that fiscal year from qualified outer Continental shelf revenues from any area in the Mid-Atlantic Planning Area.

#### SEC. 105. DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM SOUTH ATLANTIC LEASING ACTIVITIES.

(a) IN GENERAL.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) and subject to this section, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

(1) 50 percent of qualified outer Continental Shelf revenues generated from leasing activities in the South Atlantic Planning Area in the general fund of the Treasury; and

(2) 50 percent of qualified outer Continental Shelf revenues generated from leasing activities in the South Atlantic Planning Area in a special account in the Treasury from which the Secretary shall disburse—

(A) 75 percent to South Atlantic producing States in accordance with subsection (b); and

(B) 25 percent to provide financial assistance to States in accordance with section 200305 of title 54, United States Code, which shall be considered income to the Land and Water Conservation Fund for purposes of section 200302 of that title.

(b) ALLOCATION AMONG SOUTH ATLANTIC PRODUCING STATES.—

(1) IN GENERAL.—Subject to paragraph (2), the amount made available under subsection (a)(2)(A) from any lease entered into within the South Atlantic Planning Area shall be allocated to each South Atlantic producing State in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each South Atlantic producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract.

(2) MINIMUM ALLOCATION.—The amount allocated to a South Atlantic Producing State each fiscal year under paragraph (1) shall be at least 10 percent of the amounts available under subsection (a)(2)(A).

(c) TIMING.—The amounts required to be deposited under paragraph subsection (a)(2) for the applicable fiscal year shall be made available in accordance with that paragraph during the fiscal year immediately following the applicable fiscal year.

(d) ADMINISTRATION.—Amounts made available under subsection (a)(2) shall—

(1) be made available, without further appropriation, in accordance with this section;

(2) remain available until expended; and

(3) be in addition to any amounts appropriated under—

(A) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(B) chapter 2003 of title 54, United States Code; or

(C) any other provision of law.

(e) DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES SHALL BE NET OF RECEIPTS.—For each of fiscal years 2017 through 2055, expenditures under subsection (a)(2) and shall be net of receipts from that fiscal year from qualified outer Continental shelf revenues from any area in the South Atlantic Planning Area.

**SA 103.** Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; as follows:

On page 3, between lines 19 and 20, insert the following:

#### SEC. 4. EVALUATION AND CONSOLIDATION OF DUPLICATIVE GREEN BUILDING PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATIVE EXPENSES.—The term “administrative expenses” has the meaning given the term by the Director of the Office of Management and Budget under section 504(b)(2) of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (31 U.S.C. 1105 note; Public Law 111–85), except that the term shall include, for purposes of that section and this section, with respect to an agency—

(A) costs incurred by the agency and costs incurred by grantees, subgrantees, and other recipients of funds from a grant program or other program administered by the agency; and

(B) expenses related to personnel salaries and benefits, property management, travel, program management, promotion, reviews and audits, case management, and communication about, promotion of, and outreach for programs and program activities administered by the agency.

(2) APPLICABLE PROGRAMS.—The term “applicable programs” means the programs listed in Table 9 (pages 348–350) of the report of the Government Accountability Office entitled “2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue”.

(3) APPROPRIATE SECRETARIES.—The term “appropriate Secretaries” means—

(A) the Secretary;

(B) the Secretary of Agriculture;

(C) the Secretary of Defense;

(D) the Secretary of Education;

(E) the Secretary of Health and Human Services;

(F) the Secretary of Housing and Urban Development;

(G) the Secretary of Transportation;

(H) the Secretary of the Treasury;

(I) the Administrator of the Environmental Protection Agency;

(J) the Director of the National Institute of Standards and Technology; and

(K) the Administrator of the Small Business Administration.

(4) SERVICES.—

(A) IN GENERAL.—Subject to subparagraph (B), the term “services” has the meaning given the term by the Director of the Office of Management and Budget.

(B) REQUIREMENTS.—The term “services” shall be limited to activities, assistance, and aid that provide a direct benefit to a recipient, such as—

(i) the provision of medical care;

(ii) assistance for housing or tuition; or

(iii) financial support (including grants and loans).

(b) REPORT.—

(1) IN GENERAL.—Not later than October 1, 2015, the appropriate Secretaries shall submit to Congress and post on the public Internet websites of the agencies of the appropriate Secretaries a report on the outcomes of the applicable programs.

(2) REQUIREMENTS.—In reporting on the outcomes of each applicable program, the appropriate Secretaries shall—

(A) determine the total administrative expenses of the applicable program;

(B) determine the expenditures for services for the applicable program;

(C) estimate the number of clients served by the applicable program and beneficiaries who received assistance under the applicable program (if applicable);

(D) estimate—

(i) the number of full-time employees who administer the applicable program; and

(ii) the number of full-time equivalents (whose salary is paid in part or full by the Federal Government through a grant or contract, a subaward of a grant or contract, a cooperative agreement, or another form of financial award or assistance) who assist in administering the applicable program;

(E) describe the type of assistance the applicable program provides, such as grants, technical assistance, loans, tax credits, or tax deductions;

(F) describe the type of recipient who benefits from the assistance provided, such as individual property owners or renters, local governments, businesses, nonprofit organizations, or State governments; and

(G) identify and report on whether written program goals are available for the applicable program.

(c) PROGRAM RECOMMENDATIONS.—Not later than January 1, 2016, the appropriate Secretaries shall jointly submit to Congress a report that includes—

(1) an analysis of whether any of the applicable programs should be eliminated or consolidated, including any legislative changes that would be necessary to eliminate or consolidate the applicable programs; and

(2) ways to improve the applicable programs by establishing program goals or increasing collaboration so as to reduce the overlap and duplication identified in—

(A) the 2011 report of the Government Accountability Office entitled “Federal Initiatives for the NonFederal Sector Could Benefit from More Interagency Collaboration”; and

(B) the report of the Government Accountability Office entitled “2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue”.

(d) PROGRAM ELIMINATIONS.—Not later than January 1, 2016, the appropriate Secretaries shall—

(1) identify—

(A) which applicable programs are specifically required by law; and

(B) which applicable programs are carried out under the discretionary authority of the appropriate Secretaries;

(2) eliminate those applicable programs that are not required by law; and

(3) transfer any remaining applicable projects and nonduplicative functions into another green building program within the same agency.

**SA 104.** Mr. FLAKE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . GAO STUDY AND REPORT.**

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on requests for proposals by Federal agencies for rebranding, including requests for proposals by Federal agencies to achieve strategic organizational transformation, identity clarification, and social purpose branding and branding management.

**SA 105.** Mr. FLAKE (for himself, Mr. MCCAIN, Mr. TOOMEY, and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ . MODIFICATION OF EXTENSION OF WIND PRODUCTION TAX CREDIT.**

(a) IN GENERAL.—Paragraph (1) of section 45(d) of the Internal Revenue Code of 1986, as amended by the Tax Increase Prevention Act of 2014, is amended by striking “begins before January 1, 2015” and inserting “begins before January 1, 2014, or during the period beginning on December 19, 2014, and ending on December 31, 2014”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 155 of the Tax Increase Prevention Act of 2014.

**SA 106.** Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . INSTALLATION RENEWABLE ENERGY PROJECT DATABASE.**

(a) LIMITATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish a searchable database to uniformly report information regarding installation renewable energy projects undertaken since 2010.

(b) ELEMENTS.—The database established under subsection (a) shall include, for each installation energy project—

- (1) the estimated project costs;
- (2) estimated power generation;
- (3) estimated total cost savings;
- (4) estimated payback period;
- (5) total project costs;
- (6) actual power generation;
- (7) actual cost savings to date;
- (8) current operational status; and
- (9) access to relevant business case documents, including the economic viability assessment.

(c) NON-DISCLOSURE OF CERTAIN INFORMATION.—

(1) IN GENERAL.—The Secretary of Defense may, on a case-by-case basis, withhold from inclusion in the database established under subsection (a) information pertaining to individual projects if the Secretary determines that the disclosure of such information would jeopardize operational security.

(2) REQUIRED DISCLOSURE.—In the event the Secretary withholds information related to one or more renewable energy projects under paragraph (1), the Secretary shall include in the database—

(A) a statement that information has been withheld; and

(B) an aggregate amount for each of paragraphs (1), (2), (3), (5), (6), and (7) of subsection (b) that includes amounts for all renewable energy projects described under subsection (a), including those with respect to which information has been withheld under paragraph (1) of this subsection.

(d) UPDATES.—The database established under subsection (a) shall be updated not less than quarterly.

**SA 107.** Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . REPEAL OF ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.**

(a) IN GENERAL.—

(1) REPEAL.—Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is repealed.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on the date that is 90 days after the date of enactment of this Act.

(b) DEFICIT REDUCTION.—Any amounts made available to carry out section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) (as in effect before the amendment made by subsection (a)) that are not obligated as of the date of enactment of this Act are rescinded.

**SA 108.** Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . CELLULOSIC BIOFUEL REQUIREMENT BASED ON ACTUAL PRODUCTION.**

(a) PROVISION OF ESTIMATE OF VOLUMES OF CELLULOSIC BIOFUEL.—Section 211(o)(3)(A) of the Clean Air Act (42 U.S.C. 7545(o)(3)(A)) is amended—

(1) by striking “Not later than” and inserting the following:

“(i) IN GENERAL.—Not later than”; and

(2) by adding at the end the following:

“(ii) ESTIMATION METHOD.—

“(I) IN GENERAL.—In determining any estimate under clause (i), with respect to the following calendar year, of the projected volume of cellulosic biofuel production (as de-

scribed in paragraph (7)(D)(i)), the Administrator of the Energy Information Administration shall—

“(aa) for each cellulosic biofuel production facility that is producing (and continues to produce) cellulosic biofuel during the period of January 1 through October 31 of the calendar year in which the estimate is made (in this clause referred to as the ‘current calendar year’)—

“(AA) determine the average monthly volume of cellulosic biofuel produced by such facility, based on the actual volume produced by such facility during such period; and

“(BB) based on such average monthly volume of production, determine the estimated annualized volume of cellulosic biofuel production for such facility for the current calendar year; and

“(bb) for each cellulosic biofuel production facility that begins initial production of (and continues to produce) cellulosic biofuel after January 1 of the current calendar year—

“(AA) determine the average monthly volume of cellulosic biofuel produced by such facility, based on the actual volume produced by such facility during the period beginning on the date of initial production of cellulosic biofuel by the facility and ending on October 31 of the current calendar year; and

“(BB) based on such average monthly volume of production, determine the estimated annualized volume of cellulosic biofuel production for such facility for the current calendar year.

“(II) TOTAL PRODUCTION.—An estimate under clause (i) with respect to the following calendar year of the projected volume of cellulosic biofuel production (as described in paragraph (7)(D)(i)), shall be equal to the total of the estimated annual volumes of cellulosic biofuel production for all cellulosic biofuel production facilities described in subclause (I) for the current calendar year.”.

(b) REDUCTION IN APPLICABLE VOLUME.—Section 211(o)(7)(D)(i) of the Clean Air Act (42 U.S.C. 7545(o)(7)(D)(i)) is amended—

(1) in the first sentence, by striking “based on the” and inserting “using the exact”; and

(2) in the second sentence—

(A) by striking “may” and inserting “shall”; and

(B) by striking “same or a lesser volume” and inserting “same volume”.

**SA 109.** Mr. KING (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 3. RESIDENTIAL ENERGY-EFFICIENT PROPERTY CREDIT FOR BIOMASS FUEL PROPERTY EXPENDITURES.**

(a) ALLOWANCE OF CREDIT.—Subsection (a) of section 25D of the Internal Revenue Code of 1986 is amended—

(1) by striking “and” at the end of paragraph (4),

(2) by striking the period at the end of paragraph (5) and inserting “, and”, and

(3) by adding at the end the following new paragraph:

“(6) 30 percent of the qualified biomass fuel property expenditures made by the taxpayer during such year.”.



(b) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURES.—Subsection (d) of section 25D of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(6) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURE.—

“(A) IN GENERAL.—The term ‘qualified biomass fuel property expenditure’ means an expenditure for property—

“(i) which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and

“(ii) which has a thermal efficiency rating of at least 75 percent (measured by the higher heating value of the fuel).

“(B) BIOMASS FUEL.—For purposes of this section, the term ‘biomass fuel’ means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues, plants (including aquatic plants), grasses, residues, and fibers. Such term includes densified biomass fuels such as wood pellets.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2015.

#### SEC. 4. INVESTMENT TAX CREDIT FOR BIOMASS HEATING PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3) of the Internal Revenue Code of 1986 is amended by striking “or” at the end of clause (vi), by inserting “or” at the end of clause (vii), and by inserting after clause (vii) the following new clause:

“(viii) open-loop biomass (within the meaning of section 45(c)(3)) heating property, including boilers or furnaces which operate at thermal output efficiencies of not less than 65 percent (measured by the higher heating value of the fuel) and which provide thermal energy in the form of heat, hot water, or steam for space heating, air conditioning, domestic hot water, or industrial process heat, but only with respect to periods ending before January 1, 2017.”

(b) 30 PERCENT AND 15 PERCENT CREDITS.—

(1) IN GENERAL.—Subparagraph (A) of section 48(a)(2) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating clause (ii) as clause (iii),

(B) by inserting after clause (i) the following new clause:

“(ii) except as provided in clause (i)(V), 15 percent in the case of energy property described in paragraph (3)(A)(viii), and”, and

(C) by inserting “or (ii)” after “clause (i)” in clause (iii), as so redesignated.

(2) INCREASED CREDIT FOR GREATER EFFICIENCY.—Clause (i) of section 48(a)(2)(A) is amended by striking “and” at the end of subclause (III) and by inserting after subclause (IV) the following new subclause:

“(V) energy property described in paragraph (3)(A)(viii) which operates at a thermal output efficiency of not less than 80 percent (measured by the higher heating value of the fuel).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2015, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

**SA 110.** Mr. CARPER (for himself, Ms. COLLINS, Mr. BOOKER, Mr. CARDIN, Mr. MARKEY, Mr. KING, Mrs. GILLIBRAND, Mr. MENENDEZ, and Mr. COONS) submitted an amendment intended to

be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the end, add the following:

#### TITLE —OFFSHORE WIND FACILITIES

##### SEC. .01. QUALIFYING OFFSHORE WIND FACILITY CREDIT.

(a) IN GENERAL.—Section 46 is amended—

(1) by striking “and” at the end of paragraph (5),

(2) by striking the period at the end of paragraph (6) and inserting “, and”, and

(3) by adding at the end the following new paragraph:

“(7) the qualifying offshore wind facility credit.”

(b) AMOUNT OF CREDIT.—Subpart E of part IV of subchapter A of chapter 1 is amended by inserting after section 48D the following new section:

##### “SEC. 48E. CREDIT FOR OFFSHORE WIND FACILITIES.

“(a) IN GENERAL.—For purposes of section 46, the qualifying offshore wind facility credit for any taxable year is an amount equal to 30 percent of the qualified investment for such taxable year with respect to any qualifying offshore wind facility of the taxpayer.

“(b) QUALIFIED INVESTMENT.—

“(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year which is part of a qualifying offshore wind facility.

“(2) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

“(c) DEFINITIONS.—For purposes of this section—

“(1) QUALIFYING OFFSHORE WIND FACILITY.—

“(A) IN GENERAL.—The term ‘qualifying offshore wind facility’ means an offshore facility using wind to produce electricity.

“(B) OFFSHORE FACILITY.—The term ‘offshore facility’ means any facility located in the inland navigable waters of the United States, including the Great Lakes, or in the coastal waters of the United States, including the territorial seas of the United States, the exclusive economic zone of United States, and the outer Continental Shelf of the United States.

“(2) ELIGIBLE PROPERTY.—The term ‘eligible property’ means any property—

“(A) which is—

“(i) tangible personal property, or

“(ii) other tangible property (not including a building or its structural components), but only if such property is used as an integral part of the qualifying offshore wind facility, and

“(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

“(d) QUALIFYING CREDIT FOR OFFSHORE WIND FACILITIES PROGRAM.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary, in consultation with the Secretary of Energy and the Secretary of the Interior, shall establish a qualifying credit for offshore wind facilities program to consider and award certifications for qualified investments eligible for credits under this

section to qualifying offshore wind facility sponsors.

“(B) LIMITATION.—The total amount of megawatt capacity for offshore facilities with respect to which credits may be allocated under the program shall not exceed 3,000 megawatts.

“(2) CERTIFICATION.—

“(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application containing such information as the Secretary may require beginning on the date the Secretary establishes the program under paragraph (1).

“(B) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 5 years from the date of issuance of the certification in order to place the facility in service and if such facility is not placed in service by that time period, then the certification shall no longer be valid.

“(3) SELECTION CRITERIA.—In determining which qualifying offshore wind facilities to certify under this section, the Secretary shall—

“(A) take into consideration which facilities will be placed in service at the earliest date, and

“(B) take into account the technology of the facility that may lead to reduced industry and consumer costs or expand access to offshore wind.

“(4) REVIEW, ADDITIONAL ALLOCATIONS, AND REALLOCATIONS.—

“(A) REVIEW.—Periodically, but not later than 4 years after the date of the enactment of this section, the Secretary shall review the credits allocated under this section as of the date of such review.

“(B) ADDITIONAL ALLOCATIONS AND REALLOCATIONS.—The Secretary may make additional allocations and reallocations of credits under this section if the Secretary determines that—

“(i) the limitation under paragraph (1)(B) has not been attained at the time of the review, or

“(ii) scheduled placed-in-service dates of previously certified facilities have been significantly delayed and the Secretary determines the applicant will not meet the timeline pursuant to paragraph (2)(B).

“(C) ADDITIONAL PROGRAM FOR ALLOCATIONS AND REALLOCATIONS.—If the Secretary determines that credits under this section are available for further allocation or reallocation, but there is an insufficient quantity of qualifying applications for certification pending at the time of the review, the Secretary is authorized to conduct an additional program for applications for certification.

“(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection, publicly disclose the identity of the applicant and the amount of the credit with respect to such applicant.

“(e) DENIAL OF DOUBLE BENEFIT.—A credit shall not be allowed under this section with respect to any facility if—

“(1) a credit has been allowed to such facility under section 45 for such taxable year or any prior taxable year,

“(2) a credit has been allowed with respect to such facility under section 46 by reason of section 48(a) or 48C(a) for such taxable or any preceding taxable year, or

“(3) a grant has been made with respect to such facility under section 1603 of the American Recovery and Reinvestment Act of 2009.”

(c) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C) is amended—

(A) by striking “and” at the end of clause (v),

(B) by striking the period at the end of clause (vi) and inserting “, and”, and

(C) by adding after clause (vi) the following new clause:

“(vii) the basis of any property which is part of a qualifying offshore wind facility under section 48E.”.

(2) Subparagraph (B) of section 50(a)(2) is amended by striking “or 48D(b)(4)” and inserting “48D(b)(4), or 48E(b)(2)”.

(3) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48D the following new item:

“48E. Credit for offshore wind facilities.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

**SA 111.** Mr. KING submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_. FUEL SWITCHING UNDER WEATHERIZATION ASSISTANCE PROGRAM.**

Section 415(c)(1) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)(1)) is amended by striking subparagraph (E) and inserting the following:

“(E) the cost of making heating and cooling modifications, including replacement (including, at the option of the State, non-renewable fuel switching when replacing furnaces or appliances if the new unit is more efficient than the replaced unit).”.

**SA 112.** Mr. KING submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_. TAX ON OIL TRANSPORTED THROUGH THE KEYSTONE XL PIPELINE.**

(a) **IN GENERAL.**—Subsection (c) of section 4611 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(3) **INCREASE IN THE CASE OF OIL TRANSPORTED THROUGH THE KEYSTONE XL PIPELINE.**—

“(A) **IN GENERAL.**—In the case of any crude oil received at a United States refinery that, at any point before reaching the refinery, travels through any portion of the Keystone XL pipeline, the rate of tax determined under paragraph (1) shall be increased by 8 cents a barrel.

“(B) **KEYSTONE XL PIPELINE.**—For purposes of this paragraph, the term ‘Keystone XL pipeline’ means the pipeline described in section 2(a) of the Keystone XL Pipeline Act.

“(C) **AMOUNTS NOT ATTRIBUTABLE TO TRUST FUNDS.**—For purposes of any other provision of law, the increase under subparagraph (A) shall not be treated as attributable to the Hazardous Substance Superfund financing rate or the Oil Spill Liability Trust Fund financing rate.”.

(b) **TRANSFERS FROM GENERAL FUND.**—

(1) **IN GENERAL.**—The Secretary of the Treasury shall from time to time transfer to the Secretary of Energy from the general fund of the Treasury amounts equal to the taxes collected under section 4611(c)(3) of the Internal Revenue Code of 1986.

(2) **USE OF FUNDS.**—

(A) **IN GENERAL.**—Amounts transferred under paragraph (1) shall be available without further appropriation only for the

Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.).

(B) **PRIORITIZATION.**—In carrying out the program described in subparagraph (A) using the amounts described in that subparagraph, the Secretary of Energy shall prioritize funding projects focused on fuel switching.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to crude oil received at a United States refinery after the date of the enactment of this Act.

**SA 113.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. SENSE OF CONGRESS REGARDING FEDERALLY PROTECTED LAND.**

(a) **FINDINGS.**—Congress finds that—

(1) Presidents of both parties have designated public land to preserve the land for current and future generations and to honor the national heritage of the United States, and that designated public land includes—

(A) the Statue of Liberty;  
(B) the Grand Canyon;  
(C) Acadia National Park;  
(D) African Burial Ground National Monument;

(E) the Chesapeake & Ohio Canal National Historical Park;

(F) Muir Woods National Monument;

(G) Arches National Park; and

(H) Devils Tower National Monument;

(2) outdoor recreation, including recreation within Federal land, adds over \$600,000,000,000 into the economy of the United States and supports more than 6,000,000 jobs;

(3) Federal land, such as National Parks, National Monuments, or other federally designated land, conserves historic, cultural, environmental, scenic, recreational, and biological resources, and positive impacts include—

(A) economic opportunities and small business creation;

(B) local tourism in gateway communities;

(C) new direct and indirect employment opportunities;

(D) recreational opportunities; and

(E) environmental, historic, and educational opportunities; and

(4) regions surrounding National Monuments have seen continued growth or improvement in employment and person income.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) Congress should acknowledge the benefit that public land designations provide to local and regional communities and economies; and

(2) designations of federally protected land should continue where appropriate and with consultation by local communities, bipartisan elected leaders, and interested stakeholders.

**SA 114.** Mr. COONS submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN,

Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. SENSE OF CONGRESS REGARDING CLIMATE CHANGE.**

It is the sense of Congress that—

(1) climate change is real and is caused by human activities;

(2) climate change is already impacting the United States with sea level rise, ocean acidification, and more frequent and intense extreme weather events such as droughts, floods, wildfires, and heat waves;

(3) climate change poses risks to multiple sectors of the economy of the United States, including national defense, agricultural systems, energy, and transportation, as well as human health and the environment;

(4) the impacts of climate change have significant economic costs that will occur year after year and increase with further delays in global action;

(5) the extent of future climate change is largely determined by the choices the United States and other nations make in the immediate future;

(6) the Federal Government, tribal nations, States, local communities, and the private sector must continue to take action to prepare and adapt communities to climate change;

(7) the United States has a responsibility to children and future generations of the United States to mitigate the harmful effects of climate change;

(8) the actions of the United States taken to mitigate and adapt to the impacts of climate change cannot come at the expense of the prosperity of the United States;

(9) the actions of a single nation cannot solve the climate crisis, so solutions that address both mitigation and adaption must involve developed and developing nations around the world;

(10) investing in the development of innovative clean and renewable energy and energy efficiency technologies will—

(A) enhance the global leadership and competitiveness of the United States; and

(B) create and sustain short and long term job growth; and

(11) the United States should act immediately to address climate change because the longer the United States waits, the more severe and costly the impacts of climate change will be, and the harder it will be for future generations to address the crisis.

**SA 115.** Mr. COONS submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. SENSE OF CONGRESS REGARDING CLIMATE CHANGE AND INFRASTRUCTURE.**

It is the sense of Congress that—

(1) climate change is already impacting the safety and reliability of the critical infrastructure systems of the United States, including buildings, roads, bridges, tunnels,



rail, ports, airports, levees, dams, and military installations through sea level rise, rising temperatures, and more frequent and intense extreme weather events such as droughts, floods, wildfires, and heat waves;

(2) significant energy, industrial and transportation infrastructure in the United States is located near the coast, in floodplains, or in other areas vulnerable to sea level rise;

(3) the impacts to infrastructure described in paragraph (1) have caused tangible economic costs that are likely to increase over time;

(4) it is fiscally prudent to prepare for and seek to mitigate the impacts described in paragraph (1), as it is estimated that every dollar spent on mitigation saves \$4 in disaster relief;

(5) the Federal Government self-insures, offers insurance programs such as crop insurance and the national flood insurance program, and, in the case of extreme weather events, also serves as the insurer of last resort for public and private infrastructure;

(6) the Federal Government has a crucial role to play as a partner in working with State, local, tribal, and territorial jurisdictions to help ensure coordinated efforts to keep communities resilient;

(7) the role of the Federal Government should include prioritizing climate resilient projects when administering Federal grants, providing technical support, and sharing of data and information in user-friendly and accessible formats, among other actions;

(8) Federal agency climate change adaptation plans that assess the risk to physical assets and missions of the Federal agencies can help create savings for taxpayers; and

(9) Federal agencies, including the Department of Defense, should quantify the economic value of the physical risks of the agencies from climate change.

**SA 116.** Mr. COONS submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SENSE OF CONGRESS REGARDING ENERGY POLICIES.**

(a) FINDINGS.—Congress finds that—

(1) energy is central to a strong, diverse, and vibrant economy;

(2) the United States has benefitted greatly from abundant supplies of a range of energy resources throughout the history of the United States;

(3) the United States will continue to prosper by ensuring that balanced pathways are in place to develop energy resources that are clean, reliable, affordable, and secure;

(4) the United States must continue to transition to a lower carbon energy future;

(5) the United States should address that climate change is real and caused by human activities;

(6) climate change is already impacting the United States with sea level rise, ocean acidification, and more frequent and intense extreme weather events such as droughts, floods, wildfires, and heat waves;

(7) the United States has a responsibility to children and future generations of the United States to mitigate the harmful effects of climate change while producing and using ever-cleaner forms of energy from all sources;

(8) solutions that address the energy and climate challenges of the United States and the world must involve developed and developing nations around the world;

(9) there is no 1 pathway to address the challenges of climate change, but rather, different approaches must be employed to meet these challenges;

(10) energy policy approaches must take into account the reductions of greenhouse gases, including carbon dioxide, methane and superpollutants, such as hydrofluorocarbons;

(11) a first beneficial step toward an improved energy policy is the establishment and implementation of a national Quadrennial Energy Review;

(12) investing in the development of innovative clean and renewable energy and energy efficiency technologies will enhance global leadership and competitiveness of the United States and can create and sustain short and long term job growth;

(13) breakthrough technology development requires more than simply investing in research and development, it requires bridging the lab-to-market gap with a variety of public private partnerships ranging from STEM education through workforce training to support for innovative business investment;

(14) effective clean energy innovation policy requires support throughout the entire innovation pipeline from basic research to early market transformation;

(15) economy-wide, regional and sectorial approaches have been demonstrated and are proving that reductions in emissions can be made while still growing the economy and providing high-paying jobs;

(16) the energy challenges of the United States can be addressed with smart responses which include—

(A) curbing emissions from the transportation sector;

(B) reducing carbon dioxide emissions from power plants;

(C) strengthening the infrastructure of the United States to be more resilient to climate change;

(D) encouraging the use of clean energy through tax cuts, credits, and deductions;

(E) reducing emissions of short-lived climate forcers;

(F) significantly improving energy efficiency solutions;

(G) investing in research, development, and demonstration;

(H) making the electric grid smarter and more reliable;

(I) improving land management planning;

(J) ensuring that a smart regulatory system is in place; and

(K) addressing the energy-water nexus challenges;

(17) responsible action requires putting a price on carbon and both mobilizing action domestically and negotiating bilateral and multilateral agreements to strengthen and spur international action; and

(18) the longer the United States waits, the more severe and costly the impacts of climate change will be, and the harder it will be for children of the United States to address this crisis.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should act responsibly to develop bipartisan energy policies that lead to a lower carbon future.

**SA 117.** Mr. COONS (for himself and Mr. GARDNER) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to

the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SENSE OF SENATE.**

(a) FINDINGS.—The Senate finds that—

(1) Energy Savings Performance Contracts and Utility Energy Service Contracts were first authorized by Congress in 1986 and 1992 respectively and reduce energy costs and consumption at Federal buildings and facilities without relying on additional appropriations;

(2) the contracts described in paragraph (1) are financed by a third-party and realize sufficient energy savings to cover the cost of the financed improvements over the contract term;

(3) the contractor provides a guarantee of energy savings for the Energy Savings Performance Contract and the utility provides energy savings performance assurances or guarantees of the savings for the Utility Energy Service Contract;

(4) performance-based contracting is an opportunity for significant savings so much so that the Oak Ridge National Laboratory has determined that under an Energy Savings Performance Contract the total cost savings delivered to the Government is nearly twice the guaranteed amount;

(5) the Energy Independence and Security Act of 2007 required a Government-wide audit of facilities and, although to date only ½ of those buildings have been surveyed, it has been established that at least \$9,000,000,000 worth of energy savings that could be achieved within a decade;

(6) the Office of Management and Budget first recognized savings from Energy Savings Performance Contracts and Utility Energy Service Contracts on an annual basis throughout the term of the contract as far back as 1998;

(7) the Congressional Budget Office instead has determined that the full cost of the authority to enter into the long-term contracts for capital investments be scored upfront as new mandatory spending while the savings in energy costs that flow from these investments be realized over time as part of the annual appropriations process;

(8) the process described in paragraph (7) has continued to hinder the ability of Congress to pass legislation ensuring additional energy and cost savings to the Federal Government through utilization of these contracts despite the proven savings; and

(9) there is broad bipartisan and bicameral recognition in Congress of the value of these energy saving contracts.

(b) SENSE OF SENATE.—It is the sense of the Senate that legislation regarding Energy Savings Performance Contracts and Utility Energy Service Contracts, and legislation which may lead to the use of those contracts by the Federal Government, should receive Congressional scoring treatment that allows future year guaranteed discretionary savings to be counted against the mandatory spending attributed to undertaking such contracts.

**SA 118.** Mr. COONS (for himself, Ms. COLLINS, Mr. REED, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —WEATHERIZATION ENHANCEMENT AND LOCAL ENERGY EFFICIENCY INVESTMENT AND ACCOUNTABILITY**

**SEC. 01. FINDINGS.**

Congress finds that—

(1) the State energy program established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) (referred to in this section as “SEP”) and the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) (referred to in this section as “WAP”) have proven to be beneficial, long-term partnerships among Federal, State, and local partners;

(2) the SEP and the WAP have been reauthorized on a bipartisan basis over many years to address changing national, regional, and State circumstances and needs, especially through—

(A) the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.);

(B) the Energy Conservation and Production Act (42 U.S.C. 6801 et seq.);

(C) the State Energy Efficiency Programs Improvement Act of 1990 (Public Law 101-440; 104 Stat. 1006);

(D) the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.);

(E) the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.); and

(F) the Energy Independence and Security Act of 2007 (42 U.S.C. 17001 et seq.);

(3) the SEP, also known as the “State energy conservation program”—

(A) was first created in 1975 to implement a State-based, national program in support of energy efficiency, renewable energy, economic development, energy emergency preparedness, and energy policy; and

(B) has come to operate in every sector of the economy in support of the private sector to improve productivity and has dramatically reduced the cost of government through energy savings at the State and local levels;

(4) Federal laboratory studies have concluded that, for every Federal dollar invested through the SEP, more than \$7 is saved in energy costs and almost \$11 in non-Federal funds is leveraged;

(5) the WAP—

(A) was first created in 1976 to assist low-income families in response to the first oil embargo;

(B) has become the largest residential energy conservation program in the United States, with more than 7,100,000 homes weatherized since the WAP was created;

(C) saves an estimated 35 percent of consumption in the typical weatherized home, yielding average annual savings of \$437 per year in home energy costs;

(D) has created thousands of jobs in both the construction sector and in the supply chain of materials suppliers, vendors, and manufacturers who supply the WAP;

(E) returns \$2.51 in energy savings for every Federal dollar spent in energy and nonenergy benefits over the life of weatherized homes;

(F) serves as a foundation for residential energy efficiency retrofit standards, technical skills, and workforce training for the emerging broader market and reduces residential and power plant emissions of carbon dioxide by 2.65 metric tons each year per home; and

(G) has decreased national energy consumption by the equivalent of 24,100,000 barrels of oil annually;

(6) the WAP can be enhanced with the addition of a targeted portion of the Federal

funds through an innovative program that supports projects performed by qualified nonprofit organizations that have a demonstrated capacity to build, renovate, repair, or improve the energy efficiency of a significant number of low-income homes, building on the success of the existing program without replacing the existing WAP network or creating a separate delivery mechanism for basic WAP services;

(7) the WAP has increased energy efficiency opportunities by promoting new, competitive public-private sector models of retrofitting low-income homes through new Federal partnerships;

(8) improved monitoring and reporting of the work product of the WAP has yielded benefits, and expanding independent verification of efficiency work will support the long-term goals of the WAP;

(9) reports of the Government Accountability Office in 2011, the Inspector General of the Department of Energy, and State auditors have identified State-level deficiencies in monitoring efforts that can be addressed in a manner that will ensure that WAP funds are used more effectively;

(10) through the history of the WAP, the WAP has evolved with improvements in efficiency technology, including, in the 1990s, many States adopting advanced home energy audits, which has led to great returns on investment; and

(11) as the home energy efficiency industry has become more performance-based, the WAP should continue to use those advances in technology and the professional workforce

**SEC. 02. WEATHERIZATION ASSISTANCE PROGRAM.**

(a) REAUTHORIZATION OF WEATHERIZATION ASSISTANCE PROGRAM.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking “appropriated—” and all that follows through the period at the end and inserting “appropriated \$450,000,000 for each of fiscal years 2016 through 2020.”

(b) GRANTS FOR NEW, SELF-SUSTAINING LOW-INCOME, SINGLE-FAMILY AND MULTIFAMILY HOUSING ENERGY RETROFIT MODEL PROGRAMS TO ELIGIBLE MULTISTATE HOUSING AND ENERGY NONPROFIT ORGANIZATIONS.—The Energy Conservation and Production Act is amended by inserting after section 414B (42 U.S.C. 6864b) the following:

**“SEC. 414C. GRANTS FOR NEW, SELF-SUSTAINING LOW-INCOME, SINGLE-FAMILY AND MULTIFAMILY HOUSING ENERGY RETROFIT MODEL PROGRAMS TO ELIGIBLE MULTISTATE HOUSING AND ENERGY NONPROFIT ORGANIZATIONS.**

“(a) PURPOSES.—The purposes of this section are—

“(1) to expand the number of low-income, single-family and multifamily homes that receive energy efficiency retrofits;

“(2) to promote innovation and new models of retrofitting low-income homes through new Federal partnerships with covered organizations that leverage substantial donations, donated materials, volunteer labor, homeowner labor equity, and other private sector resources;

“(3) to assist the covered organizations in demonstrating, evaluating, improving, and replicating widely the model low-income energy retrofit programs of the covered organizations; and

“(4) to ensure that the covered organizations make the energy retrofit programs of the covered organizations self-sustaining by the time grant funds have been expended.

“(b) DEFINITIONS.—In this section:

“(1) COVERED ORGANIZATION.—The term ‘covered organization’ means an organization that—

“(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code; and

“(B) has an established record of constructing, renovating, repairing, or making energy efficient a total of not less than 250 owner-occupied, single-family or multifamily homes per year for low-income households, either directly or through affiliates, chapters, or other direct partners (using the most recent year for which data are available).

“(2) LOW-INCOME.—The term ‘low-income’ means an income level that is not more than 200 percent of the poverty level (as determined in accordance with criteria established by the Director of the Office of Management and Budget) applicable to a family of the size involved, except that the Secretary may establish a higher or lower level if the Secretary determines that a higher or lower level is necessary to carry out this section.

“(3) WEATHERIZATION ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS.—The term ‘Weatherization Assistance Program for Low-Income Persons’ means the program established under this part (including part 440 of title 10, Code of Federal Regulations, or successor regulations).

“(c) COMPETITIVE GRANT PROGRAM.—The Secretary shall make grants to covered organizations through a national competitive process for use in accordance with this section.

“(d) AWARD FACTORS.—In making grants under this section, the Secretary shall consider—

“(1) the number of low-income homes the applicant—

“(A) has built, renovated, repaired, or made more energy efficient as of the date of the application; and

“(B) can reasonably be projected to build, renovate, repair, or make energy efficient during the 10-year period beginning on the date of the application;

“(2) the qualifications, experience, and past performance of the applicant, including experience successfully managing and administering Federal funds;

“(3) the number and diversity of States and climates in which the applicant works as of the date of the application;

“(4) the amount of non-Federal funds, donated or discounted materials, discounted or volunteer skilled labor, volunteer unskilled labor, homeowner labor equity, and other resources the applicant will provide;

“(5) the extent to which the applicant could successfully replicate the energy retrofit program of the applicant and sustain the program after the grant funds have been expended;

“(6) regional diversity;

“(7) urban, suburban, and rural localities; and

“(8) such other factors as the Secretary determines to be appropriate.

“(e) APPLICATIONS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall request proposals from covered organizations.

“(2) ADMINISTRATION.—To be eligible to receive a grant under this section, an applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(3) AWARDS.—Not later than 90 days after the date of issuance of a request for proposals, the Secretary shall award grants under this section.

“(f) ELIGIBLE USES OF GRANT FUNDS.—A grant under this section may be used for—

“(1) energy efficiency audits, cost-effective retrofit, and related activities in different climatic regions of the United States;

“(2) energy efficiency materials and supplies;

“(3) organizational capacity—

“(A) to significantly increase the number of energy retrofits;

“(B) to replicate an energy retrofit program in other States; and

“(C) to ensure that the program is self-sustaining after the Federal grant funds are expended;

“(4) energy efficiency, audit and retrofit training, and ongoing technical assistance;

“(5) information to homeowners on proper maintenance and energy savings behaviors;

“(6) quality control and improvement;

“(7) data collection, measurement, and verification;

“(8) program monitoring, oversight, evaluation, and reporting;

“(9) management and administration (up to a maximum of 10 percent of the total grant);

“(10) labor and training activities; and

“(11) such other activities as the Secretary determines to be appropriate.

“(g) **MAXIMUM AMOUNT.**—The amount of a grant provided under this section shall not exceed—

“(1) if the amount made available to carry out this section for a fiscal year is \$225,000,000 or more, \$5,000,000; and

“(2) if the amount made available to carry out this section for a fiscal year is less than \$225,000,000, \$1,500,000.

“(h) **GUIDELINES.**—

“(1) **IN GENERAL.**—Not later than 90 days after the date of enactment of this section, the Secretary shall issue guidelines to implement the grant program established under this section.

“(2) **ADMINISTRATION.**—The guidelines—

“(A) shall not apply to the Weatherization Assistance Program for Low-Income Persons, in whole or major part; but

“(B) may rely on applicable provisions of law governing the Weatherization Assistance Program for Low-Income Persons to establish—

“(i) standards for allowable expenditures;

“(ii) a minimum savings-to-investment ratio;

“(iii) standards—

“(I) to carry out training programs;

“(II) to conduct energy audits and program activities;

“(III) to provide technical assistance;

“(IV) to monitor program activities; and

“(V) to verify energy and cost savings;

“(iv) liability insurance requirements; and

“(v) recordkeeping requirements, which shall include reporting to the Office of Weatherization and Intergovernmental Programs of the Department of Energy applicable data on each home retrofitted.

“(i) **REVIEW AND EVALUATION.**—The Secretary shall review and evaluate the performance of any covered organization that receives a grant under this section (which may include an audit), as determined by the Secretary.

“(j) **COMPLIANCE WITH STATE AND LOCAL LAW.**—Nothing in this section or any program carried out using a grant provided under this section supersedes or otherwise affects any State or local law, to the extent that the State or local law contains a requirement that is more stringent than the applicable requirement of this section.

“(k) **ANNUAL REPORTS.**—The Secretary shall submit to Congress annual reports that provide—

“(1) findings;

“(2) a description of energy and cost savings achieved and actions taken under this section; and

“(3) any recommendations for further action.

“(1) **FUNDING.**—Of the amount of funds that are made available to carry out the Weatherization Assistance Program for each of fiscal years 2016 through 2020 under section 422, the Secretary shall use to carry out this section for each of fiscal years 2016 through 2020—

“(1) 2 percent of the amount if the amount is less than \$225,000,000;

“(2) 5 percent of the amount if the amount is \$225,000,000 or more but less than \$260,000,000;

“(3) 10 percent of the amount if the amount is \$260,000,000 or more but less than \$400,000,000; and

“(4) 20 percent of the amount if the amount is \$400,000,000 or more.”

(c) **STANDARDS PROGRAM.**—Section 415 of the Energy Conservation and Production Act (42 U.S.C. 6865) is amended by adding at the end the following:

“(f) **STANDARDS PROGRAM.**—

“(1) **CONTRACTOR QUALIFICATION.**—Effective beginning January 1, 2016, to be eligible to carry out weatherization using funds made available under this part, a contractor shall be selected through a competitive bidding process and be—

“(A) accredited by the Building Performance Institute;

“(B) an Energy Smart Home Performance Team accredited under the Residential Energy Services Network; or

“(C) accredited by an equivalent accreditation or program accreditation-based State certification program approved by the Secretary.

“(2) **GRANTS FOR ENERGY RETROFIT MODEL PROGRAMS.**—

“(A) **IN GENERAL.**—To be eligible to receive a grant under section 414C, a covered organization (as defined in section 414C(b)) shall use a crew chief who—

“(i) is certified or accredited in accordance with paragraph (1); and

“(ii) supervises the work performed with grant funds.

“(B) **VOLUNTEER LABOR.**—A volunteer who performs work for a covered organization that receives a grant under section 414C shall not be required to be certified under this subsection if the volunteer is not directly installing or repairing mechanical equipment or other items that require skilled labor.

“(C) **TRAINING.**—The Secretary shall use training and technical assistance funds available to the Secretary to assist covered organizations under section 414C in providing training to obtain certification required under this subsection, including provisional or temporary certification.

“(3) **MINIMUM EFFICIENCY STANDARDS.**—Effective beginning October 1, 2016, the Secretary shall ensure that—

“(A) each retrofit for which weatherization assistance is provided under this part meets minimum efficiency and quality of work standards established by the Secretary after weatherization of a dwelling unit; and

“(B) at least 10 percent of the dwelling units are randomly inspected by a third party accredited under this subsection to ensure compliance with the minimum efficiency and quality of work standards established under subparagraph (A); and

“(C) the standards established under this subsection meet or exceed the industry standards for home performance work that are in effect on the date of enactment of this subsection, as determined by the Secretary.”

#### SEC. 03. STATE ENERGY PROGRAM.

Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking “\$125,000,000 for each of fiscal years 2007 through 2012” and inserting

“\$75,000,000 for each of fiscal years 2016 through 2020”.

**SA 119.** Mr. MORAN (for himself, Mr. COONS, and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the end, add the following:

#### SEC. \_\_\_\_ EXTENSION OF PUBLICLY TRADED PARTNERSHIP OWNERSHIP STRUCTURE TO ENERGY POWER GENERATION PROJECTS, TRANSPORTATION FUELS, AND RELATED ENERGY ACTIVITIES.

(a) **IN GENERAL.**—Subparagraph (E) of section 7704(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking “income and gains derived from the exploration” and inserting “income and gains derived from the following:

“(i) MINERALS, NATURAL RESOURCES, ETC.—The exploration”;

(2) by inserting “or” before “industrial source”;

(3) by inserting a period after “carbon dioxide”, and

(4) by striking “, or the transportation or storage” and all that follows and inserting the following:

“(ii) **RENEWABLE ENERGY.**—The generation of electric power exclusively utilizing any resource described in section 45(c)(1) or energy property described in section 48 (determined without regard to any termination date), or in the case of a facility described in paragraph (3) or (7) of section 45(d) (determined without regard to any placed in service date or date by which construction of the facility is required to begin), the accepting or processing of such resource.

“(iii) **ELECTRICITY STORAGE DEVICES.**—The receipt and sale of electric power that has been stored in a device directly connected to the grid.

“(iv) **COMBINED HEAT AND POWER.**—The generation, storage, or distribution of thermal energy exclusively utilizing property described in section 48(c)(3) (determined without regard to subparagraphs (B) and (D) thereof and without regard to any placed in service date).

“(v) **RENEWABLE THERMAL ENERGY.**—The generation, storage, or distribution of thermal energy exclusively using any resource described in section 45(c)(1) or energy property described in clause (i) or (iii) of section 48(a)(3)(A).

“(vi) **WASTE HEAT TO POWER.**—The use of recoverable waste energy, as defined in section 371(5) of the Energy Policy and Conservation Act (42 U.S.C. 6341(5)) (as in effect on the date of the enactment of this clause).

“(vii) **RENEWABLE FUEL INFRASTRUCTURE.**—The storage or transportation of any fuel described in subsection (b), (c), (d), or (e) of section 6426.

“(viii) **RENEWABLE FUELS.**—The production, storage, or transportation of any renewable fuel described in section 211(o)(1)(J) of the Clean Air Act (42 U.S.C. 7545(o)(1)(J)) (as in effect on the date of the enactment of this clause) or section 40A(d)(1).

“(ix) **RENEWABLE CHEMICALS.**—The production, storage, or transportation of any renewable chemical (as defined in paragraph (6)).

“(x) **ENERGY EFFICIENT BUILDINGS.**—The audit and installation through contract or

other agreement of any energy efficient building property described in section 179D(c)(1).

“(xi) GASIFICATION WITH SEQUESTRATION.—The production of any product from a project that meets the requirements of subparagraphs (A) and (B) of section 48B(c)(1) and that separates and sequesters in secure geological storage (as determined under section 45Q(d)(2)) at least 75 percent of such project's total qualified carbon dioxide (as defined in section 45Q(b)).

“(xii) CARBON CAPTURE AND SEQUESTRATION.—The generation or storage of electric power produced from any facility which is a qualified facility described in section 45Q(c) and which disposes of any captured qualified carbon dioxide (as defined in section 45Q(b)) in secure geological storage (as determined under section 45Q(d)(2)).”

(b) RENEWABLE CHEMICAL.—Section 7704(d) of such Code is amended by adding at the end the following new paragraph:

“(6) RENEWABLE CHEMICAL.—The term ‘renewable chemical’ means a monomer, polymer, plastic, formulated product, or chemical substance produced from renewable biomass (as defined in section 9001(12) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101(12)), as in effect on the date of the enactment of this paragraph).”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

**SA 120.** Mr. CARPER (for himself, Mr. DONNELLY, and Ms. HEITKAMP) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 3. EXTENSION OF CREDIT FOR NEW QUALIFIED FUEL CELL MOTOR VEHICLES.**

(a) IN GENERAL.—Paragraph (1) of section 30B(k) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2014” and inserting “December 31, 2019”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2014.

**SEC. 4. EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.**

(a) IN GENERAL.—Subsection (g) of section 30C, as amended by the Tax Increase Prevention Act of 2014, is amended by striking “December 31, 2014” and inserting “December 31, 2019”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2014.

**SEC. 5. OFFSET.**

(a) 100 PERCENT CONTINUOUS LEVY ON PAYMENT TO MEDICARE PROVIDERS AND SUPPLIERS.—Paragraph (3) of section 6331(h) is amended by striking the period at the end and inserting “, or to a Medicare provider or supplier under title XVIII of the Social Security Act.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made on or after the date which is 180 days after the date of the enactment of this Act.

**SA 121.** Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MUR-

KOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; as follows:

At the end of section 2, add the following:

(f) FEE.—

(1) IN GENERAL.—A fee of 8 cents shall be imposed on each barrel of oil transported through the pipeline referred to in subsection (a).

(2) USE OF FEE REVENUE.—Revenue from the fee imposed under paragraph (1) shall be deposited in the land and water conservation fund established under section 200302 of title 54, United States Code.

**SA 122.** Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ SENSE OF CONGRESS REGARDING CLIMATE CHANGE.**

It is the sense of Congress that—

(1) climate change is real;

(2) worldwide scientific opinion is not settled on the extent to which human activities may be causing climate change;

(3) projections by models of catastrophic increases in global temperatures have not been validated by measured temperature data;

(4) fossil fuels are critical to the health of the world economy and low-cost electricity and other energy forms have dramatically improved the health and quality of life of millions of the world over; and

(5) the Final Supplemental Environmental Impact Statement for the Keystone XL Project issued by the Secretary of State in January 2014, found that construction of the Keystone XL Pipeline will not significantly impact global greenhouse gas emissions.

**SA 123.** Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ SENSE OF SENATE REGARDING THE OIL SPILL LIABILITY TRUST FUND.**

It is the sense of the Senate that—

(1) Congress should approve a bill to ensure that all forms of bitumen or synthetic crude oil derived from bitumen are subject to the per-barrel excise tax associated with the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986;

(2) it is necessary for Congress to approve a bill described in paragraph (1) because the Internal Revenue Service determined in 2011 that certain forms of petroleum are not subject to the per-barrel excise tax;

(3) under article I, section 7, clause 1 of the Constitution, the Senate may not originate a bill to raise new revenue, and thus may not originate a bill to close the legitimate and unintended loophole described in paragraph (2);

(4) if the Senate attempts to originate a bill described in paragraph (1), it would pro-

vide a substantive basis for a “blue slip” from the House of Representatives, which would prevent advancement of the bill; and

(5) the House of Representatives, consistent with article I, section 7, clause 1 of the Constitution, should consider and refer to the Senate a bill to ensure that all forms of bitumen or synthetic crude oil derived from bitumen are subject to the per-barrel excise tax associated with the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986.

**SA 124.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ NO EFFECT ON INDIAN TREATIES.**

Nothing in this Act may change, suspend, supersede, or abrogate any trust obligation or treaty requirement of the United States with respect to any Indian nation, Indian tribe, individual Indian, or Indian tribal organization, including the Fort Laramie Treaties of 1851 and 1868, without consultation with, and the informed and express consent of, the applicable Indian nation, Indian tribe, individual Indian, or Indian tribal organization as required under Executive Order 13175 (67 Fed. Reg. 67249) (November 6, 2000).

**SA 125.** Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Rebuilding America’s Infrastructure Act of 2015”.

**TITLE I—REPEAL OF OIL AND GAS SUBSIDIES**

**Subtitle A—Close Big Oil Tax Loopholes**

**SEC. 101. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.**

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) SPECIAL RULES RELATING TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

“(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a major integrated oil company (within the meaning of section 167(h)(5)) to a foreign country or possession of the United States for any period shall not be considered a tax—

“(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

“(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

“(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

“(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

“(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term ‘dual capacity taxpayer’ means, with respect to any foreign country or possession of the United States, a person who—

“(A) is subject to a levy of such country or possession, and

“(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

“(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘generally applicable income tax’ means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

“(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

“(i) persons who are not dual capacity taxpayers, and

“(ii) persons who are citizens or residents of the foreign country or possession.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHOLD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

#### SEC. 102. LIMITATION ON SECTION 199 DEDUCTION ATTRIBUTABLE TO OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) DENIAL OF DEDUCTION.—Paragraph (4) of section 199(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(E) SPECIAL RULE FOR CERTAIN OIL AND GAS INCOME.—In the case of any taxpayer who is a major integrated oil company (within the meaning of section 167(h)(5)) for the taxable year, the term ‘domestic production gross receipts’ shall not include gross receipts from the production, refining, processing, transportation, or distribution of oil, gas, or any primary product (within the meaning of subsection (d)(9)) thereof.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2015.

#### SEC. 103. LIMITATION ON DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS; AMORTIZATION OF DISALLOWED AMOUNTS.

(a) IN GENERAL.—Section 263(c) of the Internal Revenue Code of 1986 is amended to read as follows:

“(c) INTANGIBLE DRILLING AND DEVELOPMENT COSTS IN THE CASE OF OIL AND GAS WELLS AND GEOTHERMAL WELLS.—

“(1) IN GENERAL.—Notwithstanding subsection (a), and except as provided in subsection (i), regulations shall be prescribed by the Secretary under this subtitle corresponding to the regulations which granted the option to deduct as expenses intangible drilling and development costs in the case of oil and gas wells and which were recognized and approved by the Congress in House Concurrent Resolution 50, Seventy-ninth Congress. Such regulations shall also grant the option to deduct as expenses intangible drilling and development costs in the case of wells drilled for any geothermal deposit (as defined in section 613(e)(2)) to the same extent and in the same manner as such expenses are deductible in the case of oil and gas wells. This subsection shall not apply with respect to any costs to which any deduction is allowed under section 59(e) or 291.

“(2) EXCLUSION.—

“(A) IN GENERAL.—This subsection shall not apply to amounts paid or incurred by a taxpayer in any taxable year in which such taxpayer is a major integrated oil company (within the meaning of section 167(h)(5)).

“(B) AMORTIZATION OF AMOUNTS NOT ALLOWABLE AS DEDUCTIONS UNDER SUBPARAGRAPH (A).—The amount not allowable as a deduction for any taxable year by reason of subparagraph (A) shall be allowable as a deduction ratably over the 60-month period beginning with the month in which the costs are paid or incurred. For purposes of section 1254, any deduction under this subparagraph shall be treated as a deduction under this subsection.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2015.

#### SEC. 104. LIMITATION ON PERCENTAGE DEPLETION ALLOWANCE FOR OIL AND GAS WELLS.

(a) IN GENERAL.—Section 613A of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(f) APPLICATION WITH RESPECT TO MAJOR INTEGRATED OIL COMPANIES.—In the case of any taxable year in which the taxpayer is a major integrated oil company (within the meaning of section 167(h)(5)), the allowance for percentage depletion shall be zero.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2015.

#### SEC. 105. LIMITATION ON DEDUCTION FOR TERTIARY INJECTANTS.

(a) IN GENERAL.—Section 193 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(d) APPLICATION WITH RESPECT TO MAJOR INTEGRATED OIL COMPANIES.—

“(1) IN GENERAL.—This section shall not apply to amounts paid or incurred by a taxpayer in any taxable year in which such taxpayer is a major integrated oil company (within the meaning of section 167(h)(5)).

“(2) AMORTIZATION OF AMOUNTS NOT ALLOWABLE AS DEDUCTIONS UNDER PARAGRAPH (1).—The amount not allowable as a deduction for any taxable year by reason of paragraph (1) shall be allowable as a deduction ratably over the 60-month period beginning with the month in which the costs are paid or incurred.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2015.

#### SEC. 106. MODIFICATION OF DEFINITION OF MAJOR INTEGRATED OIL COMPANY.

(a) IN GENERAL.—Paragraph (5) of section 167(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(C) CERTAIN SUCCESSORS IN INTEREST.—For purposes of this paragraph, the term ‘major integrated oil company’ includes any successor in interest of a company that was described in subparagraph (B) in any taxable year, if such successor controls more than 50 percent of the crude oil production or natural gas production of such company.”.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Subparagraph (B) of section 167(h)(5) of the Internal Revenue Code of 1986 is amended by inserting “except as provided in subparagraph (C),” after “For purposes of this paragraph.”.

(2) TAXABLE YEARS TESTED.—Clause (iii) of section 167(h)(5)(B) of such Code is amended—

(A) by striking “does not apply by reason of paragraph (4) of section 613A(d)” and inserting “did not apply by reason of paragraph (4) of section 613A(d) for any taxable year after 2004”, and

(B) by striking “does not apply” in subclause (II) and inserting “did not apply for the taxable year”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

#### Subtitle B—Outer Continental Shelf Oil and Natural Gas

#### SEC. 111. REPEAL OF OUTER CONTINENTAL SHELF DEEP WATER AND DEEP GAS ROYALTY RELIEF.

(a) IN GENERAL.—Sections 344 and 345 of the Energy Policy Act of 2005 (42 U.S.C. 15904, 15905) are repealed.

(b) ADMINISTRATION.—The Secretary of the Interior shall not be required to provide for royalty relief in the lease sale terms beginning with the first lease sale held on or after the date of enactment of this Act for which a final notice of sale has not been published.

#### TITLE II—INFRASTRUCTURE FUNDING

#### SEC. 201. INFRASTRUCTURE FUNDING.

(a) IN GENERAL.—

(1) TRANSFERS.—Not later than 90 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer an amount equal to the net amount of any savings realized as a result of the enactment of this Act and the amendments made by this Act (after any expenditures authorized by this Act and the amendments made by this Act)—

(A) in accordance with subsections (b) and (c); and

(B) in the case of any additional savings after the application of such subsections, into the Highway Trust Fund in the following manner:

(i) 75 percent of such additional savings shall be transferred into the Highway Trust Fund (other than the Mass Transit Account).

(ii) 25 percent of such additional savings shall be transferred into the Mass Transit Account.

(2) CONFORMING AMENDMENT TO THE INTERNAL REVENUE CODE.—Subsection (f) of section 9503 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

“(7) 2015 INCREASE.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated to the Highway Account (as defined in subsection (e)(5)(B)) and the Mass Transit Account in the Highway Trust Fund amounts equal to the amounts determined under section 201(a)(1)(B) of the Rebuilding America’s Infrastructure Act of 2015.”.

(b) WATER INFRASTRUCTURE INNOVATIVE FINANCING PILOT PROJECTS.—Out of any funds of the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of the Army and the Administrator of the Environmental Protection Agency jointly, \$2,000,000,000 to carry out the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) through 2019.

(c) TIGER DISCRETIONARY GRANTS.—

(1) DEFINITION OF TIGER DISCRETIONARY GRANT.—In this section, the term “TIGER discretionary grant” means a grant awarded and administered by the Secretary of Transportation using funds made available for—

(A) supplemental discretionary grants for a national surface transportation system under title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 203);

(B) the national infrastructure investments discretionary grant program under title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–17; 123 Stat. 3035);

(C) national infrastructure investments under section 2202 of division B of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112-10; 125 Stat. 191);

(D) national infrastructure investments under title I of division C of the Consolidated and Further Continuing Appropriations Act, 2012 (Public Law 112-55; 125 Stat. 641);

(E) national infrastructure investments under title VIII of division F of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113-6; 127 Stat. 432);

(F) national infrastructure investments under title I of division L of the Consolidated Appropriations Act, 2014 (Public Law 113-76; 128 Stat. 574); or

(G) national infrastructure investments under title I of division K of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235).

(2) APPROPRIATION.—Out of any funds of the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Transportation, \$2,000,000,000 to provide TIGER discretionary grants for fiscal year 2016.

(d) MAINTENANCE OF FUNDING.—The funding provided under this section shall supplement (and not supplant) other Federal funding for the programs and accounts funded under this section.

#### SEC. 202. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

#### TITLE III—STATE REVOLVING FUNDS

##### SEC. 301. STATE WATER POLLUTION CONTROL REVOLVING FUNDS.

Out of any funds of the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator of the Environmental Protection Agency, \$1,500,000,000 for State water pollution control revolving funds established in accordance with title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.).

##### SEC. 302. STATE DRINKING WATER TREATMENT REVOLVING LOAN FUNDS.

Out of any funds of the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator of the Environmental Protection Agency, \$1,000,000,000 for State drinking water treatment revolving loan funds established in accordance with section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12).

#### TITLE IV—MISCELLANEOUS

##### SEC. 401. ENFORCEMENT OF DISCRETIONARY SPENDING LIMITS.

The Office of Management and Budget shall not include amounts made available under subsections (b) or (c) of section 201 or title III during a fiscal year in determining whether there has been a breach of the discretionary spending limits under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) during the fiscal year.

**SA 126.** Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to

the bill S. 1, to approve the Keystone XL Pipeline; as follows:

In section 2 of the amendment, strike subsection (e) and insert the following:

(e) PRIVATE PROPERTY PROTECTION.—Land or an interest in land for the pipeline and cross-border facilities described in subsection (a) may only be acquired consistently with the Constitution.

**SA 127.** Mr. SCOTT submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### TITLE II—LEASE SALES

##### SEC. 201. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term “Director” means the Director of the Bureau of Ocean Energy Management.

(2) QUALIFIED REVENUES.—The term “qualified revenues” means all bonus bids, rentals, royalties, and other sums due and payable to the United States from all leases entered into after the date of enactment of this Act that cover an area in the South Atlantic planning area.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) SOUTH ATLANTIC PLANNING AREA.—The term “South Atlantic planning area” means the area of the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)) that is located between the northern lateral seaward administrative boundary of the Commonwealth of Virginia and the southernmost lateral seaward administrative boundary of the State of Georgia.

(5) STATE.—The term “State” means any of the following States:

- (A) Georgia.
- (B) North Carolina.
- (C) South Carolina.
- (D) Virginia.

##### SEC. 202. ENHANCING STATE RIGHTS.

(a) IN GENERAL.—The Secretary shall promulgate regulations that establish management of the surface occupancy of each portion of the South Atlantic planning area for the applicable coastline of a State for any lease sale authorized under this Act to the effect that—

(1) the applicable State shall have sole authority to restrict or allow surface facilities above the waterline for the purpose of production of oil or gas resources in any area that is within 12 nautical miles seaward from the coastline of the State;

(2) unless permanent surface occupancy is authorized by a State, only sub-surface production facilities may be installed in areas that are located between the point that is 12 nautical miles from seaward from the coastline of the State and the point that is 20 nautical miles seaward from the coastline of the State;

(3) new offshore production facilities are encouraged and the impacts on coastal vistas are minimized, to the maximum extent practical; and

(4) onshore facilities that facilitate the development and production of the oil and gas resources of the South Atlantic planning area within 12 nautical miles seaward of the coastline of a State are allowed.

(b) TEMPORARY ACTIVITIES NOT AFFECTED.—Nothing in the regulations described in subsection (a) shall restrict, or give the States authority to restrict, temporary surface activities related to operations associated with outer Continental Shelf oil and gas leases.

##### SEC. 203. REINSTATEMENT OF VIRGINIA LEASE SALE 220.

Not later than 2 years after the date of enactment of this Act, the Secretary shall conduct Lease Sale 220 (as described in the notice of intent to prepare an environmental impact statement dated November 13, 2008 (73 Fed. Reg. 67201)).

##### SEC. 204. SOUTH CAROLINA LEASE SALE.

Notwithstanding the exclusion of the South Atlantic planning area in the outer Continental Shelf leasing program for fiscal years 2012-2017 prepared under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344), the Secretary shall conduct a lease sale not later than 2 years after the date of enactment of this Act in areas off the coast of the State of South Carolina—

(1) determined by the Secretary to have the most geologically promising hydrocarbon resources; and

(2) that constitute not less than 25 percent of the leaseable area located within the offshore administrative boundaries of the State of South Carolina depicted in the notice entitled “Federal Outer Continental Shelf (OCS) Administrative Boundaries Extending from the Submerged Lands Act Boundary seaward to the Limit of the United States Outer Continental Shelf”, published January 3, 2006 (71 Fed. Reg. 127).

##### SEC. 205. ENVIRONMENTAL IMPACT STATEMENT.

The Secretary shall complete a multisale environmental impact statement for each lease sale conducted under this title.

##### SEC. 206. SOUTH ATLANTIC PLANNING AREA LEASE SALES.

(a) IN GENERAL.—The Secretary shall conduct 3 lease sales in the South Atlantic planning area before June 30, 2017, in areas—

(1) to be determined by the Secretary based on—

(A) analysis by the Bureau of Ocean Energy Management; and

(B) industry nomination; and

(2) determined by the Secretary to contain the most hydrocarbon resource potential.

(b) 2017-2022 LEASING PROGRAM.—The Secretary shall—

(1) include the South Atlantic planning area in the outer Continental Shelf leasing program for fiscal years 2017-2022 prepared under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344); and

(2) conduct 1 lease sale in the South Atlantic planning area during each year of the program, for a total of 5 lease sales.

##### SEC. 207. BALANCING OF MILITARY AND ENERGY PRODUCTION GOALS.

(a) IN GENERAL.—In recognition that the outer Continental Shelf oil and gas leasing program and the domestic energy resources produced under the program are integral to national security, the Secretary and the Secretary of Defense shall work jointly in implementing lease sales under this Act—

(1) to preserve the ability of the Armed Forces of the United States to maintain an optimum state of readiness through the continued use of the outer Continental Shelf; and

(2) to allow effective exploration, development, and production of the oil, gas, and renewable energy resources of the United States.

(b) PROHIBITION ON CONFLICTS WITH MILITARY OPERATIONS.—No person may engage in any exploration, development, or production of oil or natural gas on the outer Continental Shelf under a lease issued under this Act that would conflict with any military operation, as determined in accordance with—

(1) the agreement entitled “Memorandum of Agreement Between the Department of Defense and the Department of the Interior on Mutual Concerns on the Outer Continental Shelf” signed July 20, 1983; and



(2) any revision or replacement for the agreement described in paragraph (1) that is agreed to by the Secretary of Defense and the Secretary after that date but before the date of issuance of the lease under which the exploration, development, or production is conducted.

**SEC. 208. REVENUE SHARING AND DEFICIT REDUCTION.**

Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), each fiscal year the Secretary shall deposit—

(1) 37.5 percent of the qualified revenues in a special account in the Treasury, from which the Secretary shall allocate amounts in accordance with section 209;

(2) 12.5 percent of the qualified revenues dedicated towards deficit reduction; and

(3) 50 percent of the qualified revenues in the general fund of the Treasury.

**SEC. 209. ALLOCATION TO STATES.**

(a) IN GENERAL.—Of the qualified revenues deposited in the account under section 208(1), 37.5 percent shall be distributed to each State—

(1) using the formula established under subsection (b); and

(2) in amounts that are inversely proportional to the respective distances between the point on the coastline of each State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract.

(b) FORMULA.—The formula used to make the calculation under subsection (a) shall be—

(1) established by the Secretary by regulation; and

(2) modeled after the final rule entitled “Allocation and Disbursement of Royalties, Rentals, and Bonuses—Oil and Gas, Offshore”, dated December 23, 2008 (73 Fed. Reg. 78622).

(c) MINIMUM ALLOCATION.—Each State shall be entitled to an amount equal to not less than 10 percent of the qualified revenues allocated under subsection (a).

(d) USE OF FUNDS.—A State receiving amounts under this section may use the amounts in accordance with State law.

**SA 128.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . EFFECTIVE DATE.**

This Act shall not take effect until the President determines that the Administrator of the Environmental Protection Agency, in consultation with other relevant Federal agencies, has completed a comprehensive study analyzing the human health impacts of the pipeline described in section 2(a), including—

(1) increased air pollution in communities near refineries that will process the up to 830,000 barrels per day of tar sands crude that will be transported through the pipeline, including assessment of the cumulative air pollution impacts on the communities;

(2) increased exposure of communities to particulate matter and heavy metals from the disposal, storage, and use of petroleum coke that results from the refining of the tar sands crude that will be transported through the pipeline; and

(3) increased exposures in communities to benzene, volatile organic compounds, hydrogen sulfide, and other toxic substances that may result from spills or the contamination of water supplies from tar sands crude transported through the pipeline.

**SA 129.** Mr. BOOKER (for himself, Ms. CANTWELL, and Mrs. BOXER) sub-

mitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

In section 2, strike subsection (b) and insert the following:

(b) ENVIRONMENTAL IMPACT STATEMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Final Supplemental Environmental Impact Statement issued by the Secretary of State in January 2014, regarding the pipeline referred to in subsection (a), and the environmental analysis, consultation, and review described in that document (including appendices) shall be considered to fully satisfy—

(A) all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) any other provision of law that requires Federal agency consultation or review (including the consultation or review required under section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a))) with respect to the pipeline and facilities referred to in subsection (a).

(2) SAVINGS CLAUSE.—Nothing in paragraph (1) relieves any Federal agency of the obligation of the Federal agency to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the obligation of the Federal agency to prepare a supplement to the final supplemental environmental impact statement described in paragraph (1) in connection with the issuance of any permit or authorization needed to construct, connect, operate, or maintain the pipeline and cross-border facilities described in subsection (a) if there are significant new circumstances or information relevant to environmental concerns and bearing on the environmental impacts resulting from the construction, connection, operation, and maintenance of the pipeline and cross-border facilities, including from greenhouse gas emissions associated with the crude oil being transported by the pipeline.

**SA 130.** Mrs. BOXER (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

On page 2, strike lines 20 through 23 and insert the following:

(c) PERMIT SAVINGS CLAUSE.—Nothing in this Act shall affect the status of any Federal permit or authorization issued before the date of enactment of this Act for the pipeline and cross-border facilities referred to in subsection (a).

**SA 131.** Ms. CANTWELL (for herself and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

In section 2(a), strike the period at the end and insert the following:

, subject to—

(1) all applicable laws (including regulations);

(2) all mitigation measures that are required in permits issued by permitting agencies; and

(3) all project-specific special conditions listed in Appendix Z of the Final Supplemental Environmental Impact Statement issued by the Secretary of State in January 2014.

**SA 132.** Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SENSE OF CONGRESS ON THE DESIGNATION OF NATIONAL MONUMENTS.**

It is the sense of Congress that the designation of National Monuments should be subject to—

(1) consultation with each unit of local government within the boundaries of which the proposed National Monument is to be located; and

(2) the approval by the Governor and legislature of each State within the boundaries of which the proposed National Monument is to be located.

**SA 133.** Ms. HEITKAMP (for herself, Mr. DONNELLY, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SENSE OF CONGRESS REGARDING 5-YEAR EXTENSION OF CREDITS WITH RESPECT TO FACILITIES PRODUCING ENERGY FROM CERTAIN RENEWABLE RESOURCES.**

(a) FINDINGS.—Congress finds that—

(1) the energy policy of the United States is based on an all-of-the-above approach to production sources;

(2) an all-of-the-above approach reduces dependence on foreign oil, increases national security and creates jobs;

(3) smart investments in renewable resources are critical to increase the energy independence of the United States, reduce emissions, and create jobs;

(4) wind energy is a critical component of an all-of-the-above energy policy and has a proven track record of creating jobs, reducing emissions, and provides an alternative and compatible energy resource to the existing generation infrastructure of the United States;

(5) the wind energy industry and utilities require long-term certainty regarding the Production Tax Credit for project planning in order to continue build out of this valuable natural resource; and

(6) the stop-start unpredictability of short-term Production Tax Credit extensions should be avoided, as short-term extensions have disrupted the wind industry, slowing the ability of the wind industry to cut costs,

as compared to what would have occurred with a long-term, predictable policy in place.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) section 45(d) of the Internal Revenue Code of 1986 should be amended by striking “January 1, 2015” each place it appears and inserting “January 1, 2020” in—

- (A) paragraph (1);
- (B) paragraph (2)(A);
- (C) paragraph (3)(A);
- (D) paragraph (4)(B);
- (E) paragraph (6);
- (F) paragraph (7);
- (G) paragraph (9); and
- (H) paragraph (11)(B);

(2) clause (ii) of section 48(a)(5)(C) should be amended by striking “January 1, 2015” and inserting “January 1, 2020”; and

(3) the amendments that would be made by paragraphs (1) and (2) should take effect on January 1, 2015.

**SA 134.** Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. EXTENSION OF THE WIND PRODUCTION TAX CREDIT.**

This Act shall not take effect prior to the date that, pursuant to an Act of Congress, the credit allowed under section 45 of the Internal Revenue Code of 1986 is extended for a period of not less than 5 years for facilities described in subsection (d)(1) of such section.

**SA 135.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

After section 2, insert the following:

**SEC. \_\_\_\_\_. EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.**

(a) DEFINITION OF FULL FUNDING AMOUNT.—Section 3(11) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7102(11)) is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C)—

(A) by striking “fiscal year 2012 and each fiscal year thereafter” and inserting “each of fiscal years 2012 and 2013”; and

(B) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(D) for fiscal year 2014 and each fiscal year thereafter, the amount that is equal to the full funding amount for fiscal year 2013.”.

(b) SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND.—

(1) AVAILABILITY OF PAYMENTS.—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111) is amended by striking “2013” each place it appears and inserting “2014”.

(2) ELECTIONS.—Section 102(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(b)) is amended—

(A) in paragraph (1)(A), by striking “by August 1, 2013 (or as soon thereafter as the Secretary concerned determines is practicable), and August 1 of each second fiscal year thereafter” and inserting “by August 1 of each applicable fiscal year (or as soon thereafter as the Secretary concerned determines is practicable)”; and

(B) in paragraph (2)(B), by striking “2013” each place it appears and inserting “2014”.

(3) ELECTION AS TO USE OF BALANCE.—Section 102(d)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)(1)) is amended—

(A) in subparagraph (B)(ii), by striking “not more than 7 percent of the total share for the eligible county of the State payment or the county payment” and inserting “any portion of the balance”; and

(B) by striking subparagraph (C) and inserting the following:

“(C) COUNTIES WITH MAJOR DISTRIBUTIONS.—In the case of each eligible county to which \$350,000 or more is distributed for any fiscal year pursuant to paragraph (1)(B) or (2)(B) of subsection (a), the eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

“(i) Reserve any portion of the balance for projects in accordance with title II.

“(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

“(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.”.

(4) NOTIFICATION OF ELECTION.—Section 102(d)(3)(A) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)(3)(A)) is amended by striking “2012,” and inserting “2014 (or as soon thereafter as the Secretary concerned determines is practicable)”.

(5) FAILURE TO ELECT.—Section 102(d)(3)(B)(ii) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)(3)(B)(ii)) is amended by striking “purpose described in section 202(b)” and inserting “purposes described in section 202(b), 203(c), or 204(a)(5)”.

(6) DISTRIBUTION OF PAYMENTS TO ELIGIBLE COUNTIES.—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7113(d)(2)) is amended by striking “2013” and inserting “2014”.

(c) CONTINUATION OF AUTHORITY TO CONDUCT SPECIAL PROJECTS ON FEDERAL LAND.—

(1) SUBMISSION OF PROJECT PROPOSALS.—Section 203(a)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7123(a)(1)) is amended by striking “September 30 for fiscal year 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2013” and inserting “September 30 of each applicable fiscal year (or as soon thereafter as the Secretary concerned determines is practicable)”.

(2) EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.—Section 204(e) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7124(e)) is amended by striking paragraph (3).

(3) RESOURCE ADVISORY COMMITTEES.—Section 205(a)(4) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(a)(4)) is amended by striking “2012” each place it appears and inserting “2015”.

(4) AVAILABILITY OF PROJECT FUNDS.—Section 207(a) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7127(a)) is amended by striking “September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2013” and inserting “September 30 of each applicable fiscal year (or as soon thereafter as the Secretary concerned determines is practicable)”.

(5) TERMINATION OF AUTHORITY.—Section 208 of the Secure Rural Schools and Commu-

nity Self-Determination Act of 2000 (16 U.S.C. 7128) is amended—

(A) in subsection (a), by striking “2013” and inserting “2014 (or as soon thereafter as the Secretary concerned determines is practicable)”; and

(B) in subsection (b), by striking “2014” and inserting “2016”.

(d) CONTINUATION OF AUTHORITY TO RESERVE AND USE COUNTY FUNDS.—Section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) is amended—

(1) in subsection (a), by striking “2013” and inserting “2014 (or as soon thereafter as the Secretary concerned determines is practicable)”; and

(2) in subsection (b), by striking “September 30, 2014, shall be returned to the Treasury of the United States” and inserting “September 30, 2015, may be retained by the counties for the purposes identified in section 302(a)(2)”.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 402 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7152) is amended by inserting “and fiscal year 2015 for payments to States and counties for fiscal year 2014” before the period at the end.

(f) AVAILABILITY OF FUNDS.—

(1) TITLE II FUNDS.—Any funds that were not obligated as required by section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) (as in effect on the day before the date of enactment of this Act) shall be available for use in accordance with title II of that Act (16 U.S.C. 7121 et seq.).

(2) TITLE III FUNDS.—Any funds that were not obligated as required by section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) (as in effect on the day before the date of enactment of this Act) shall be available for use in accordance with title III of that Act (16 U.S.C. 7141 et seq.).

**SA 136.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. RESTORING MANDATORY FUNDING STATUS TO PAYMENT IN LIEU OF TAXES.**

(a) PERMANENT PAYMENT.—Section 6906 of title 31, United States Code, is amended in the matter preceding paragraph (1), by striking “of fiscal years 2008 through 2014” and inserting “fiscal year”.

**SA 137.** Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. EFFECTIVE DATE.**

This Act shall not take effect prior to the date that, pursuant to an Act of Congress, the limit on liability with respect to offshore oil spills is modified to be unlimited.

**SA 138.** Mr. MARKEY submitted an amendment intended to be proposed to

amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_. EFFECTIVE DATE.**

This Act shall not take effect prior to the date that, pursuant to an Act of Congress, the following tax breaks are repealed for major integrated oil companies (as that term is defined in section 167(h)(5)(B) of the Internal Revenue Code of 1986):

(1) Percentage depletion allowances under sections 613 and 613A of the Internal Revenue Code of 1986.

(2) The domestic production activities deduction under section 199 of the Internal Revenue Code of 1986.

**SA 139.** Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_. EFFECTIVE DATE.**

Notwithstanding subsections (2)(a) and (2)(b), this Act shall not take effect until any consultation, analysis or review required by the National Environmental Policy Act, Endangered Species Act, or any other provision of law that requires Federal agency consultation or review, is completed with respect to whether increased greenhouse gas emissions, including the indirect greenhouse gas emissions over the lifecycle of oil sands crude oil production, and transportation from the diluted bitumen and other bituminous mixtures derived from tar sands or oil sands transported through the pipeline, described in section 2(a), are likely to contribute to any of the following:

(1) Increased water temperatures.

(2) Significant migration of economically important species from United States waters.

(3) A decrease in the productivity of United States fisheries and ecosystems.

(4) An increase in diseases affecting United States fisheries and humans.

**SA 140.** Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_. EFFECTIVE DATE.**

Notwithstanding subsections (2)(a) and (2)(b), this Act shall not take effect until any consultation, analysis or review required by the National Environmental Policy Act, Endangered Species Act, or any other provision of law that requires Federal agency consultation or review, is completed with re-

spect to whether increased greenhouse gas emissions, including the indirect greenhouse gas emissions over the lifecycle of oil sands crude oil production, and transportation from the diluted bitumen and other bituminous mixtures derived from tar sands or oil sands transported through the pipeline, described in section 2(a), are likely to contribute to higher sea levels.

**SA 141.** Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_. EFFECTIVE DATE.**

Notwithstanding subsections (2)(a) and (2)(b), this Act shall not take effect until any consultation, analysis or review required by the National Environmental Policy Act, Endangered Species Act, or any other provision of law that requires Federal agency consultation or review, is completed with respect to whether increased greenhouse gas emissions, including the indirect greenhouse gas emissions over the lifecycle of oil sands crude oil production, and transportation from the diluted bitumen and other bituminous mixtures derived from tar sands or oil sands transported through the pipeline, described in section 2(a), are likely to contribute to an increase in more extreme weather events.

**SA 142.** Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone XL Pipeline; which was ordered to lie on the table; as follows:

**SEC. \_\_.**

This Act shall not take effect prior to the date that, pursuant to an Act of Congress, an adaptation fund is established for State and Indian tribes that funds projects to build resilience to the impacts of climate change, including—

(A) extreme weather events such as flooding and tropical cyclones;

(B) more frequent heavy precipitation events;

(C) loss of snowpack and Arctic land and sea ice;

(D) water scarcity and adverse impacts on water quality;

(E) stronger and longer heat waves;

(F) more frequent and severe droughts;

(G) rises in sea level;

(H) ecosystem disruption;

(I) increased air pollution; and

(J) effects on public health.

**SA 143.** Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2 proposed by Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. BARRASSO, Mr. RISCH, Mr. LEE, Mr. FLAKE, Mr. DAINES, Mr. MANCHIN, Mr. CASSIDY, Mr. GARDNER, Mr. PORTMAN, Mr. ALEXANDER, and Mrs. CAPITO) to the bill S. 1, to approve the Keystone

XL Pipeline; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_. QUARTERLY JOBS REPORTS.**

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and not less frequently than once every 90 days thereafter during the period described in subsection (b), the Secretary of Labor shall prepare and submit to Congress a report that describes, for the period covered by the report, the quantity of construction, operations, and maintenance jobs—

(1) directly associated with the Keystone XL Pipeline described in section 1, in accordance with section ES4.3.1 of the final environmental impact statement issued by the Secretary of State referred to in section 1(c); or

(2) in the renewable energy development and production sectors (including wind energy, solar energy, geothermal energy, biomass and biofuels, and hydropower) of the United States.

(b) DESCRIPTION OF PERIOD.—The period referred to in subsection (a) is the 6-year period beginning on the date of enactment of this Act.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on January 22, 2015, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on January 22, 2015, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on January 22, 2015, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Jobs and a Healthy Economy.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on January 22, 2015, at 9:30 a.m., in room SD-430 of the Dirksen Senate Office Building to conduct a hearing entitled “Examining Job-Based Health Insurance and Defining Full-Time Work.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to